Socio-Economic Roots of Unrest in JAMMU & KASHMIR (1931-47)

Dr. S.P. Vaid



About the Author

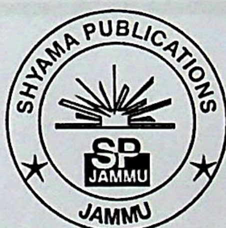
Dr. S.P. Vaid was born on 18 July, 1943 at village Gunni, Tehsil Kotli, District Mirpur, now in POK. He did his M.A. in History and Political Science and then doctorate in History from the University of Jammu. He served the Education Department for four decades and was the recipient of State and National Awards in the Years 1995 and 1996, respectively. He was also honoured with Mohyal Gaurav Samman in 1998 and Rashtriya Gaurav Award in 2004. He actively worked as a member of the Apex Body of the J&K Board of School Education for a couple of years. His successful academic ventures culminated in his becoming the General Secretary of Lecturer's forum and President of All J&K National Awardee Teachers Forum in 1998.

He has presented half a dozen research papers in different History Conferences held at National level. He authored the books, titled *How Partition Rocked J&K and Derailment of Youth from Main Stream — Causes and Remedies*. He was awarded Senior Fellowship by ICSSR, New Delhi, affiliated to the Ministry of Human Resources Development, Govt of India to work on the project *Socio-Economic Roots of Unrest in Jammu and Kashmir (1931-47)*. He is still pursuing the well-envisaged ideals of promotion of education in the State.

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Dr. S.P. Vaid
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Ghulam Nabi Azad

CHIEF MINISTER
JAMMU AND KASHMIR



FOREWORD

Even the cursory reading of the book "Socio-Economic Roots of Unrest in Jammu and Kashmir" authored by Dr. S.P. Vaid gives an impression that he is an accomplished writer having deep insight into the history of the State.

I am sanguine that this book would be beneficial for the historians, scholars, teachers, students and researchers. Dr. S. P. Vaid is a renowned teacher, national award winner. He deserves appreciation for consolidating socio-economic aspects of the political history of the state as well.

I wish the author all the very best.

(Ghulam Nabi Azad)

Jammu,
March 28, 2006

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PREFACE

As some one who has grown up in the tumultuous Socio-Political milieu of this State and had suffered during the bloody turmoil of 1947, I became naturally interested in delving into the roots and nature of Unrest that has been afflicting the State since 1931. For obvious demographic and other reasons the Unrest first raised its head in the charming valley of Kashmir. In the years that followed the unrest gradually spread to some other regions of the State as well.

Although the visible part of Unrest was essentially political in nature, yet the surface manifested the deeper Socio-Economic problems and demands. Considerable work, has been done on the political agitation of that period, but few have tried to unravel the Socio-Economic forces working below the surface, and a proper understanding of the roots of those popular agitations will certainly be of considerable academic and national significance. After all, the State of Jammu and Kashmir is probably the most politically sensitive part of India and an understanding of the roots and deeper nature of the problems facing the State is likely to help all concerned in facing the challenge more effectively. It is in this context that the present study has been undertaken; with a view to bring out a detailed and objective account of Socio-Economic factors leading to unrest in Jammu and Kashmir State between 1931 and 1947.

The study is divided into seven chapters excluding introduction, future dimensions, conclusion, bibliography and appendices. Reference material was not available on the subject, therefore, most of the information had to be collected from different quarters, thereby enhanced the authenticity and the credibility of the facts recorded. Attempt has been made to

present, in greater details, the factors which led to unrest in most parts of this border State.

While studying the role of different social groups one faces the problem that their records are totally silent about the political activities of their members. It is obvious because none of them would like to antagonize the Government by acknowledging the anti-Govt. activities of their members at that time. If necessary permission to visit various places in POK would have been accorded, one could have gone to Muzaffarabad, Kotli, Mirpur, Bagh, Planderi and Sadnoti and other important centres in POK for recording the versions of the local population of what had happened in those gory days of partition. Very few Pakistani books and publications are available regarding the subject under study. Even, whatever little material is available, that, too, lacks credibility requiring thorough evaluation.

The sole aim of presenting this work is to reach out to vast number of students and teachers of social sciences and prospective research scholars with a lot of useful information which otherwise might not be easily available to them. The torch of knowledge and learning is required to continue to be kept afloat and undimmed from generation to generation. This work is a humble contribution in that respect.

To accomplish this task, I was inspired, encouraged and funded by Indian Council of Social Science Research (ICSSR), New Delhi. The Chairman, Member Secretary and Director ICSSR, were kind enough as usual to provide the necessary financial assistance to encourage the research scholar in order to finish the project at hand, well in time.

Before I conclude, I wish to express my sincere thanks to the staff of the National Archives of India, New Delhi; The Staff of Teen Murti Bhavan Library, New Delhi; The Staff of Sri Ranbir Library Jammu, Staff of State Archives, Jammu, the Staff of Central and the History Department libraries of Jammu University, the Provincial Rehabilitation officer, Jammu, without

whose help and co-operation, it could not have been possible to collect the necessary data for this work.

I am very much in debted to Dr. A. C. Bose formerly HOD (History) and Dean Faculty of Social Sciences, Prof. Subhash Sharma presently HOD History, University of Jammu who inspired me to work on the topic and provided the necessary guidance for the work.

Thanks are due to S. Sohan Singh retired Chief Conservator of forests J&K and Shri. I. D. Soni formerly Dy. Director Education J&K for their valuable suggestions. I am also thankful to Mr. Rajneesh Kaushal who devotedly provided expertise in computerizing this document.

February, 2006 S. P. Vaid

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February, 2006 S. P. [illegible]

INTRODUCTION

The Valley of Kashmir went through a series of political upheavals between 1931 and 1947. The State Of Jammu and Kashmir was under the rule of Maharaja Hari Singh, during this period.

Political agitations of the period were prompted by under-current of economic imbalance and a sense of deprivation among the Muslims who thought it below their dignity to submit to a Hindu king after centuries of Muslim rule. There was also a wide gap between the haves and the have-nots.

The peasantry, in particular, had its problems due to taxation and callous attitude of the revenue collecting authorities. The toiling masses in general were under the oppressive regime of bureaucracy and officialdom on one hand and cruel money-lenders on the other.

In contrast, advanced democratic countries, like UK, France and USA with a better literacy percentage, people expressed their problems through media and voiced their grievances through press and platform. Their Governments also responded in the civilized manner by offering remedial measures and sometimes by novel methods of repression also. But feudal societies in backward areas lacked such method and therefore were alienated from the masses.

Much has been written on the political agitations during this period but hardly any one has dealt with the Socio-Economic and Psychological forces active under the political surface, which could make one, understand these problems in their right perspective.

J&K State, like other princely States of India, was also socially and economically very backward. The major part of the

State was hilly and mountainous depending on fair weather roads. The only Railway Line that connected J&K with the rest of India was from Sialkot to Jammu. Its contact, with outside world, was only through a small number of tourists that visited Valley in summer or migratory labour that went from Kashmir and other parts, of the State to Punjab and Himachal Pradesh during winter. The few shawl traders also went outside the J&K State to sell their wares in other States of Northern India.

Literacy level was also very low and that too limited to cities and towns. The people in general lived their traditional lives in peace till 1920s, when the tremors of discontent began to be felt among Muslim elite especially in the Valley of Kashmir. This elite section began to demand better opportunities in Service, Education and general upliftment. However, this is not to say that the Muslims were singled out for exploitation and oppression as was done to Hindus during early Muslim rule. It was hardly so. The Muslim elite could not reconcile themselves to be under a Hindu king after their Community had ruled the State for centuries. This nostalgia of grandeur, haunted them.

The Hindus of Jammu also were living in the same circumstances but unlike Muslims, they did not protest or come out on the streets. Perhaps, they thought that a Hindu king was their pride and also their safety. They did not want to add to his troubles, while he was on receiving end, from Muslim majority Community of the State. More so, because, a Hindu kingship was in place, after centuries of an oppressive and discriminatory Muslim rule in the State. The Muslim elite, especially of the Valley, were aware of their separate collective identity and history and began raising their voices against what they perceived as discrimination. When the hot embers of hate and communalism were passed on to them by interested groups from nearby Punjab, the fuel, that was ready, caught fire.

During the reign of Maharaja Partap Singh an agitation started with the slogan "State For The State's People". The agitation turned so strong that Maharaja had to issue an order on

31st January, 1927 which stated that *'Mulkis'* State Subjects would be preferred to outsiders in case of employment in Government Services. The term "State Subjects" included such persons as were born and were residing within the State before the commencement of the reign of His Highness the late Maharaja Gulab Singh. Secondly, such persons who settled within the State before the close of Samwat year, 1968 (1911 A. D) and had since then, permanently resided and acquired immovable property therein. Thirdly, all persons other than those belonging to class I & II permanently residing within the State, who had acquired under a *'Rayatnama'* any immovable property therein or who thereafter would acquire such property under an *'ijazatnama'* after ten years continuous residence therein.

However, it is pertinent to note that recruitment to the State Services other than State Subject was stopped, but by and large, equal opportunities were not given to all communities residing within the State. "With Hari Singh's Pro-Dogra policy in operation, the people of Jammu, particularly, the Rajputs, got most of the big jobs while Pandits were recruited as clerks in the offices vacated by the Punjabis. Needless to say that the Muslims were as yet out of the picture." The degree of communal discrimination was evident from the fact that under the State's Arms Act only Rajputs and Dogras were permitted to own and utilize firearms. Non-Dogras were not given any chance to serve in the State army till 1930. According to section 298 A of the Ranbir Penal Code, ten years imprisonment would be given for the slaughter of the cow 'wild or domesticated'. It was considered as non-bailable offence.

At that time Sir Albion Banerji, who, happened to be the Foreign and Political Minister under the Maharaja, resigned from his post and gave the following Statement on 15th March 1929 :–

"Jammu And Kashmir State is labouring under many disadvantages. The majority Community of the Muslim population is absolutely illiterate, labouring under poverty and

living in villages under very low economic conditions. They are governed practically like a dumb driven cattle. There is no touch between the Government and the people, no suitable opportunity for representing grievances and the administrative machinery itself requires overhauling from top to bottom, so that it is brought up to the modern conditions of efficiency. It has, at present little or no sympathy with grievances or wishes of the people. The low economic condition of the people is responsible for all these evils, which exist here at present for which the Government had taken measures for its eradication. But the Maharaja's Government cannot totally eradicate these evils, until, it tries to raise the economic life of the people."

Sheikh Abdullah read this statement at Aligarh and highlighted the pitiable condition of the Kashmir Muslims in the paper "Muslim Outlook" published from Lahore. In the year 1930, many Muslim young men had returned to Srinagar after having qualified themselves in Post Graduate studies. All these young men were imbued with new ideas and they wanted to do something against the discrimination of the Government. They established a Reading Room at Fatehkadal and elected Mohammad Rajab as President and Shiekh Mohammad Abdullah as its Secretary. At that time there was no newspaper in the Valley and as such they could not report their activities. The members of the Reading Room Party used to send their articles and news items to the newspapers and magazines of Lahore. The papers like the "Muslim Outlook", the "Siyasat", the "Inqulab" and the magazines like the "Indian Statemen", published accounts of what was happening in Kashmir. Some of the items demanded end of Dogra Raj. The Government became unnerved and banned the entry of newspapers from Lahore. Then a new process started and pamphlets published at Lahore containing inflammatory matter started pouring into the Valley of Kashmir. In these writings, Muslims were instigated to rise in the name of Islam against the Dogra Rule.

The Muslim agitation supported by their sympathizers in Punjab and secretly encouraged by British authorities, fast gained ground. The inevitable confrontation culminated in the tragedy of July 13, 1931 when the police fired upon the agitators at Srinagar killing about 28 agitators. For Kashmiri Muslims, in general, this Martyr's Day soon became Jallianwala Bagh Tragedy. In Srinagar city, curfew was imposed for 21 days. Riots occurred in Muslim majority belts like Poonch, Kotli, Bhimber and Muzaffarabad. During the month of November, 1931 an "Anti-Money lender's Movement" swept those regions. The majority community of State rose in arms against moneylenders who belonged to Hindu community. During this turmoil the shops and properties of the money lenders were plundered and all their record of loan were set on fire by the agitators. Many people of Hindu community were uprooted from their original places of residence and many of them were put to sword.

These events and the British pressure persuaded the Maharaja to appoint the Commission of Enquiry into the grievances of the people of the State under the chairmanship of B. J. Glancy of Indian Political Department and had M/S P.N. Bazaz, G. A. Ashai and Ghulam Abbas as its members. The Commission submitted its report on 22nd March, 1932 which recommended that minimum qualification for appointment to Government post should not be pitched unnecessarily high and effective measures should be taken to ensure that no community was discriminated at all. It also recommended the establishment of democratic institutions and the abolition of Kar-i-Sarkar (Begaar) and a few irksome taxes. The Commission further recommended prohibition of slaughter on certain days including Ram Navmi, Janam Ashtami, birthday of Maharaja, and The Heir Apparent. Freedom of press and platform was another important recommendation. Maharaja passed orders on the recommendations contained in Glancy Commission's Report on 10th April, 1932.

While the Commission was conducting its enquiry, events in the State were moving fast. Political situation in the Valley was never to be peaceful as before. On 19th of October 1932 Sheikh Mohammad Abdullah founded 'The All J&K Muslim Conference' to spearhead agitation, which was in fact, Kashmiri Muslim's struggle against Dogra rule. At the occasion of the inauguration of the 1st session of the Conference, Sheikh Mohammad Abdullah declared as under: -

"The Muslim Conference is not a communal organization and its existence will prove beneficial to all the communities living in the State. We have declared it at the outset of the struggle that the Kashmiri Movement is not a communal movement but for the redressal of the grievances of all the people. I assure, my Hindu and Sikh brothers that we are ready to remove their sufferings as we have done in the case of Muslims."

The Conference adopted several resolutions demanding immediate action on the recommendations of the Glancy Commission. Among other things it demanded convening of the Legislative Assembly, freedom of press and platform, representation of Muslims in services, admission of the Kashmiris in the State army and grant of elementary rights to the people of Poonch. A committee consisting of Choudhary Gulam Abbas, Mian Ahmed Yar, Moulvi Abdullah Vakil and Aga Sayeed Hussain Jalali, was constituted to approach the minorities such as Pandits and the Sikhs, so as to seek their support in the freedom struggle. While, the leaders of the Pandit community remained antagonists of the freedom movement, Sardar Budh Singh, one of the prominent leaders of the Sikh Community, established close relations with the leaders of the Muslim Conference.

CHAPTER–I

HISTORICAL BACKGROUND

The State of Jammu and Kashmir came into existence under Maharaja Gulab Singh on March 16, 1846. He was followed, in a succession, by Ranbir Singh (1856 to 1885 AD), Partap Singh (1885 to 1925 AD) and thereafter by Hari Singh (1925 to 1949).

(a) **Location and boundaries.** The State lies between 32.17 to 36.58 degree North latitude and 73.26 to 80.30 degree East longitudes. Stretching from Northern border of Himachal Pardesh and Punjab the territories of Jammu and Kashmir extend to the border of China, Pakistan and Afghanistan.

(b) **Area.** In 1947, and legally even now, the State of Jammu and Kashmir was about 640 kilometers in length from North to South and 480 kilometers from East to West.[1] As per the census report of 1931, the total area of the State was 84,471 square miles (218780 sq. kilometers) of which Jammu Province occupied an area of 12,378 sq. miles (32067 sq. kilometers) Kashmir Province occupied an area of 8539 sq. miles (22166 sq. kilometers) and the frontier districts of Gilgit and Ladakh 63,554 sq. miles (164604.86 sq. km). In terms of area, the Jammu Province was the second largest constituent of the State. It was larger than Ajmer Marwara (2,711 sq. miles); Baroda State (8,164 sq. miles); Alwar (409.5 sq. miles); Jaipur (11,459 sq. miles); Travancore State (7625 sq. miles) and Cochin (1430 sq. miles).[2]

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1. *Census of India 1931 Vol XXIV J&K State, Part – I Report P L Raina, A Geography of Jammu and Kashmir, PP3,4.*
2. *Census of India 1931 Part I, P 7*

District-wise position in terms of area was as under :–

PROVINCE	DISTRICT	AREA IN Square miles	AREA IN Square Kilometers
JAMMU	Jammu District	1147	2970.73
	Kathua District	1023	2649.57
	Udhampur District including Bhaderwah Jagir	5070	13131.30
	Reasi District	1789	4633.51
	Mirpur District	1627	4213.94
	Poonch District	1627	4213.93
	Chenani District	95	

The area of the Districts of Kashmir Province and Frontier Districts was as under :–

Province	District	Area in Square miles	Area in Square Kilometers
Kashmir	Baramulla	3317	8591.00
	Anantnag	2814	7288.26
	Muzaffarabad	2048	6236.72
Frontier	Ladakh	45762	118523.58
	Gilgit	14680	38021.20
	Astors	1632	4226.88
	Gilgit (Leased Area)[3]	1480	3833.20

3 Census of India, 1941 Vol XXII, J&K State Part IV P 72

Tehsil-wise position of J&K State on the border ravaged by Pakistan's aggression in 1947 was as under :–

District	Tehsil	Area in Square miles	Area in Square Kilometers
Mirpur	Bhimber	698	1807.82
	Kotli	574	1486.66
	Mirpur	355	919.45
Poonch Jagir	Mendhar	479	1240.61
	Haveli	479	1240.61
	Sadhnuti	348	901.32
	Bagh	321	831.39
Muzaffarabad	Karnah	1342	3475.78
	Muzaffarabad	546	1414.14
	Uri[4]	520	1346.80
Frontier District Ladakh	Skrdu	8522	22071.98
	Astorte	1632	4226.88
	Gilgit	1480	3833.20
Gilgit (Leased area)	Hunza Chilas	3900 2800	10101.00 7252.00
	Nagar	1600	4144.00

(c) **Demography.** Demography is the study of the size, territorial distribution and composition of population, changes therein and the compounds of such changes, which may be identified as natality, morality, territorial movement (migration) and social mobility.

Growth of population in Jammu Province

Year	Actual increase	Percentage Increase
1920-30	148182	09.03
1931-40	192992	10.79
1921-40	341174	19.82

4 *Census of India 1941, Vol XXII J&K State Part IV PP 376, 377*

The growth of this population in this Province during the decades, can be judged from the table above, which shows that during this period the total increase has been 3,41,174 persons or 19.82 % against the total increase of 21.68% of the whole State during the same period. The decades 1921-30 and 1931-40 were free from any epidemic disease and were, therefore, very favourable for the growth in numbers. The rate of increase during these two decades was 9.03% and 10.79% respectively.

(d) **Composition of population.** The bulk of population in the State, consisted of three main communities Hindus, Muslims and Sikhs. While in the border areas the Muslims were in over-whelming majority, some Buddhists, Jains and Christians were also there in the State, but their number was quite small.

Jammu Province with a total population of 17,88,441 inclusive of the Jagirs of Poonch and Chenani, contain 1,09,021 Muslims, 6,65,246 Hindus and 29,282 Sikhs, 507 Buddhists, 1753 Christians, 591 Jains, and 41 others in 1931 whereas the total population of the Province was 19,81,835 in 1941 out of which Muslims were 12,15,676, Hindus 7,22,854, Sikhs 38,566 Christians 2788, Jains 901, Buddhists 522 and others 145.[5]

Muslims constituted 61% in 1931 of the total population of the province and this percentage rose to 61.4% in 1941, Hindus with their 36.6% population in 1931 and 36.5% in 1941, ranked second. The Sikhs constituted the third important community with their 1.6% population in 1931 and 1.9% in 1941.[6]

As per the census report of 1941, the total population of this State was 40,21,616, out of which 21,29,872 were males and 18,91,744 females. The population of Jammu Province was 19,81,433 followed by Kashmir 17,28,705

5 *Census of India, 1941 PP 341-343*

6 *Census of India, 1931, P 292 Census of India 1941 PP 341-343*

and the frontier districts of Ladakh and Gilgit with 3,11,478 persons in Ladakh, 1,95,431 in Astore and 39,521 in Gilgit (Leased Area) and 76,526 in Gilgit agency.

(e) **Density of population.** In 1941 the density of population in Jammu region was 160 per square mile, as against 48 of the whole State. Jammu district was heading with 376 persons per square miles, followed by Poonch Jagir 259 persons per square miles followed by Mirpur 238 persons and Muzaffarabad 110 persons, Kathua district with 174 persons, Reasi district with 144 persons, Chenani Jagir and Udhampur district stood at lowest rung of the density ladder with 134 persons and 58 persons respectively. Tehsil Ranbir Singh Pura in the Jammu district, being the best irrigated tract of Jammu province in 1941, had the highest density of 615 persons per square mile.

(f) **Agriculture.** In Jammu and Kashmir State, as in the rest of India, agriculture was the most important industry. Though, Jammu and Kashmir State is largely a hilly State with limited cultivable land and meager irrigation facilities, agricultural activities provided employment to vast majority of its population.

According to census report of 1941 only 17.7% of the total area of Jammu province was cultivable, out of which only 85.2% area was cultivated and rest remained fallow.[7] Jammu district possessed the highest percentage (38.5) of cultivable area in the whole province closely followed by Mirpur district (27.91), Chenani Jagir (27.1) and Kathua district (26.3). Udhampur district commanded the lowest percentage (6.3) of the cultivable area because of extremely hilly nature of its terrain. Among the rest, proportion of cultivable land in Poonch Jagir and Reasi was 26.0% and 13.9% respectively.[8]

Though, Jammu and Kashmir State enjoyed proprietary right over all land under the Ryotwari System, it was not absolute

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7 *Census of India, 1931 P18 Census of India, 1941 P 376*
8 *Ibid PP 376 - 377*

(c) **Dogri.** Pahari, is closely followed by Dogri. The latter forms a connecting link between standard Punjabi and Pahari and it is the pre-dominant language in Jammu, Kathua and Reasi districts but it differs mainly in forms used in declension of noun and in vocabulary, which is influenced by Lahanda and Kashmiri.[10] It is a dialect of the Punjabi spoken in the Jammu region and adjoining parts of the Punjab[11]. The percentage of Dogri Speaking people was highest in Kathua District (82.3%) followed by Jammu (62.4%). Udhampur and Reasi district contributed sizeable proportion of 33.6% and 24% respectively, while Mirpur had also a sprinkling of 8.1%.

(d) **Gojri.** The Gujjars have always maintained their distinct identity by speaking Gojri (Primu), a dialect of Rajasthani. The Gujjars of the State, are all Sunni Muslims and are mainly graziers by occupation. According to the census of 1941 the population of the Gujjars in the whole State was 2,72,431. The Gujjars, socialize within their own fold and not with other Muslims. The movement of the Gujjars graziers can be seen all along the Old Mughal route, through Bhimber and Rajouri to Kashmir via Shopian and over the mountains from Poonch to the districts of Baramulla and Muzaffarabad. The areas which are inhibited by Gujjars include Uri, Kangan and Shopian in Kashmir province, whereas Reasi and parts of Udhampur districts, Jammu, Kathua, and Poonch Jagir were also having vast numbers of Gojri speaking people during the period under study.[12]

(e) **Punjabi.** Punjabi has entered the State from the side of Punjab. Its use was confined to the tract, which lies very close to the Punjab border in the districts of Jammu and Mirpur, where people came freely into contact with their Punjabi neighbours.

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10 *Census of India, 1931, P282*
11 *Ibid*
12 *Census of India, 1931, P283*

Punjabi formed the principal tongue of Mirpur district (59.1%) next to which its influence was seen in district of Jammu (23.2%) in Tehsil border on the Punjab Province. The remaining 18% of the Punjabi speaking people were sprinkled over the entire State, either in the form of traders or State's employees.[13]

(f) **Lahanda.** Lahanda was Punjabi word meaning the "Setting Sun" or the West, the synonym of Western Punjabi. Chabhali, was the principle dialect of Lahanda. Pothawari and Poonchi were spoken mainly in Poonch and Mirpur, where it numbered 44,460 in 1931.[14]

Lingua franca

It is probably difficult to determine the "lingua franca" of a country, where the people mainly speak varieties of languages. However, the chief languages spoken in this region were Kashmiri, Dogri and Punjabi. According to census report of 1941, Hindustani, was the language most commonly used as a subsidiary for conversation between the different elements of population having a different mother tongue.[15] It was written in Persian as well as Devnagri scripts.

Social Hierarchy

To take up the Hindu community first, which is known for its hierarchical social order, we find it was divided into four large gregarious groups, as elsewhere. The most respected among them were Brahmins.

(A) Brahmins

Brahmins, occupied the most respectable position among the Hindu population of Jammu province. They constituted 28.42% of the total Hindu population. Their proportion was the highest in the Poonch Jagir i.e. 80.03%. The proportion in other districts was - 33.37% in Reasi, 29.69% in Kathua, 26.91%

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13 Census Report of India, 1931 PP 281-283

14 Census Report of India, 1931, P 281

15 Census Report of India, 1941, P39 Praja Sabha Debates Sept. 28, 1938, P 25.

in Jammu, 22.94% in Mirpur and 22.08% in Udhampur. However, the total Brahmin population in the province was 1,73,175 in 1921; 1,91,205 in 1931 and 1,98,004 in 1941. Leaving aside the small fraction of Kashmiri Pandits, nearly all Dogra Brahmins belonged to Sarswat or Sarsut division of Ghaur Brahmins or Mohyal Brahmins. Although, Mohyal Brahmins had a common origin with the Sarswat Brahmins, the latter were classed as superior ones. Sarswat Brahmins were divided into a number of sub-castes like Gussain, Khajuria, Mangotra, Padha, Sadotra, Mishra, Samnotra, Basnotra, Bhardawaj and Raina etc, etc. However, regional variation in observance of rituals and occupations, determined the social status of different groups.

Socially there were two broad divisions of Brahmins - Praying Brahmins and Ploughing Brahmins. Praying Brahmins, enjoyed a higher social status, because they usually observed their rituals strictly prescribed by religion. Ploughing Brahmins were not rated high in the social scale. They usually arranged marriages by exchange or by paying compensation and did not live much the Brahmanical ways of life. The Praying Brahmins could accept bride from the Ploughing Brahmins but would never give their daughter in marriage to the latter. Among the Ploughing Brahmins, there was a social distinction between the plains Brahmins and Pahari Brahmins. The latter had lower social position on account of the practice of widow marriage and laxity in marriage customs among them. Moreover, the hill Brahmins used animal food, which the plain Brahmins usually avoided. So the Brahmins of plains neither ate nor inter-married with them.

Among the Brahmins there was a small community of Mohyals mainly in Mirpur district and Poonch Jagir. In 1931, the total population of Mohyal Brahmins was 4,796. Though numerically weak, they were noted for their valour. They generally got enlisted in the army and the police and did not like the life of indolent led by other Brahmins. They too had

several endogamous sub-divisions. The sub-castes of Mohyals Brahmins included Bali, Bhimwal, Chhibber, Dutt, Loe, Mohan and Vaid.[16]

(B) Rajputs

Rajputs also occupied an important position in the hierarchy of castes. Though numerically smaller than the Brahmins in the Jammu Province, the Rajputs enjoyed a high social status, because of the fact that they were the members of the ruling class and held important posts, especially in the army. In Jammu region, the Rajputs including the Thakkars, numbered 1,39,461 in 1921; 1,56,623 in 1931 and 1,68,582 in 1941.[17]

In 1941, the Hindu Rajputs were found in large number in Udhampur district with over 61000, followed by Kathua and Jammu with over 36000 and 35700 respectively. Reasi, came next with nearly 21000 and Mirpur with over 8000. In Poonch, their number was not very substantial.

Most of the Rajputs in the plain tract had preferred service and agriculture as their main occupations. But 'Mian' Rajputs considered it derogatory to be called agriculturists. The Dogra Rajputs have always maintained their separate identity because of their collective pride, political power, high social status and valour. There were two broad divisions of Rajputs, the Mians, belonged to the ruling families and were ranked highest on the social scale.

'Mian' was a honorific bestowed upon some distinguished families of Hindu Rajputs by Mughal Emperor probably Jahangir in recognition of their loyalty, sincerity and good service. Latter on, this title was assumed by the ruling classes of the Rajputs in the State. They strictly adhered to caste rules, such as they never touched a plough, observed seclusion of women, never

16 *Census of India, 1931, Vol XXIV Jammu and Kashmir State Part II, P 276*
Gupta K L, PP 87, 88

17 *Census of India, 1931, Vol XXIV J&K Part II, PP 288, 289*

married into a prohibited caste or gave one's daughter in marriage to some one of a lower sub-caste.[18] There were four grades in Rajputs, who always maintained their status in society by adhering to the caste rules strictly. Jamwals, though an offshoot of Manhas Rajputs, enjoyed the highest social status mainly because the royal family belonged to it. The Manhas Rajputs though agriculturists, ranked second in hierarchy. Along with Brahmins, Rajputs were treated as privileged class in Jammu. So much so that before 1936, capital punishment was not awarded to them, even when they were guilty of a murder.

It was only in that year, however, that equality before law was established by an, amendment to Criminal Procedure Code. Most of the Rajputs sub-castes derived their names from territories they once ruled or inhibited, such as the Jamwal from Jammu, the Jasrotia from Jasrota (Kathua), the Sambyals from Samba, the Bandrals from Bandralta (Ramnagar), the Mankotias from Mankot (Ramkot) and the Billorias from Billawar and so on.

Trading Castes

Beside some Muslim families in Kashmir, the trade and finance were monopolized mainly by the Mahajans, Khatris and Aroras in the State. Since among them the Mahajans constitute the largest trading group, they deserve here some special mention.

(C) Mahajans

The total population of Mahajans in the State in 1921 was 19,761, in 1931 was 20,848 and more than 23000 in 1941. They were mainly concentrated in the districts of Jammu, Kathua and Mirpur.[19]

(D) Khatris

The Khatris are migrants to this State. Most of their ancestors had migrated to this State from Punjab during the reign of Maharaja Gulab Singh and Maharaja Ranbir Singh.

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18 Binglay, Capt. A.H. Dogras 1899, PP 22, 23
19 Blouria, Thakur Kahan Singh, Keys to Kashmir, P 29

Though scattered all over the State, their main concentrations were at business centers of Jammu and Mirpur districts. The reason was quite obvious. Both these towns were the principal commercial towns of Jammu province.

The other factor, which prompted the Khatris to come to Jammu region, was its closeness to Punjab.[20] Their number in Jammu province in 1921 and 1931 was 15,255 and 17,593 respectively. However, by 1941 their number rose to 25,000.

The Khatris were good traders and administrators. The three main groups of Khatris were Bari, Bunjahi and Sarin. Each group was further sub-divided into isogamous sub-sections. The Bari group was composed of 12, Bunjahi of 52 and Sarin of 121 sub-sections. The main sub-sections of Khatris in this State are Kapoor, Khannas, Seths, Malhotras, Chopras, Talwars, Seghals, Nandas, Mengis, Puris, Dhawans and Vohras and in Punjabi group Bhasins, Tandons. Kohlis, Bambas, Uppals, Suris, Chaddhas, Ghais, Sawhneys, Sethis, Grovers, Anands and Kaphais.

The Khatris unlike other trading communities had taken an early lead in the field of education and were holding high positions in administration and in various other professions.

(E) Aroras

Like the Khatris, Aroras too had migrated to this State. The Aroras are found both among the Hindus and the Sikhs. Their main habitat was Jammu district, though they were found in smaller number in other districts also. Like the Khatris, Aroras were essentially Vaishyas, engaged in trade and money lending. The Aroras claim fraternity with the Khatris but the latter looked upon them as inferior cousins, because the former occasionally took to cultivation, sewing clothes and making brass and copper vessels. The Aroras were sub-divided into several sub-sections viz Pachnandas, Bazaz, Kukreja, Mutneja, Tenaja, Aneja, Dua, and Khurana. They numbered only 1,624 in 1921 and 1,625 in 1931.

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20 *Census of India 1931 Part I, P 31*

(F) Jains

The Jains locally called "Bhabras" are mainly confined to Jammu city. Here they are mostly engaged in trade and commerce. The people of this community are immigrants from other parts of Northern India and have settled here since the reign of Maharaja Gulab Singh and Maharaja Ranbir Singh. They belonged both to the "Swetamber" and "Digamber" sects. Of the total 597 Jains in 1931 in the whole State, the Swetamber sect claimed 353, while the Digamber numbered 128 and the rest 116 did not claim to belong to either sect.

The figures given below show the growth of Jain population in Jammu province from 1901 to 1961.

Year	1901	1911	1921	1931	1941	1961
Jammu Province	439	345	528	579	901	1422

(G) Harijans

In Jammu region, the next important community was that of depressed classes called Harijans. They constituted nearly one fourth of Hindu population of Jammu province, but stood at the base of the Hindu social hierarchy. Like Brahmins and Rajputs this community, too was divided into number of castes and sub-castes. The main sub-sections of the Harijans are Megh, Doom, Chamar, Chura, Gardi, Batwal, Ratal, Saryana, Koli, Barwal, Basith, Dhyarand and Muchi etc.[21]

The vocation followed by each sub-caste was the criterion to judge the extent of its population and its status. Churas,Dooms and Batwals stood lowest in the social scale and the Meghs were the highest. Meghs would shun a Chamar and Chamar would not take food or water touched by a Doom or Chuhra on account of their association with unclean jobs. However, by 1947 many of the objectionable restrictions on them had been removed by law and they had been granted access to Public

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21 *Census of India, 1941 J&K Part I & II, P 380*

schools, wells, tanks and temples etc. Besides, they were provided with new job opportunities.[22]

The strength of the depressed classes treated as untouchables was recorded by the Census Reports of 1931 as 1,70,927 persons i.e. 23.3% of the entire Hindu population of the State. The Barwals were most numerous in Jammu district and were found in Jammu province only. The Basiths were predominant in Reasi and Mirpur districts. The Chamars on the other hand were distributed all over the region, the highest concentration being in Jammu region. The Churas were largely found in Poonch Jagir. The Dhyar caste was found in all the districts of Jammu province, with highest percentage in Jammu district. The Jalohas were confined to Reasi district. The Meghs were most numerous in Jammu, Udhampur and Reasi districts. The Wattals which signify another term for Chuhra were found in Srinagar district of Kashmir province only.

Meghs or Kabir Panthi constituted the largest segment of Harijan Community. Their population in Jammu province during 1931 was 70,010. The position of the Meghs in the social hierarchy of Harijans was some what like that of Brahmins among the other caste Hindus. They acted as priests of Harijans and considered themselves distinctly superior to other Harijan castes. Their main occupation was agriculture and weaving. They hated menial work.

The second largest constituent among the Harijans was the one constituted by the Chamars. As per the census report of 1931 their population was 14,150. They were leather workers, usually called Mochis in the plains of Jammu region. The Chamars were called as Ram Dasis also.

The third main constituent of the Harijan Community was that of the Dooms or Mahashas. Their number was 34,329 in 1931. Among the Dooms one could find basket makers and drum beaters.

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22 *Gupta Dr. K. L. PP 102, 103*

(H) Kashmiri Pandits

Kashmiri Pandits form a distinct class of their own. They all are Brahmins but do not follow the rules and restrictions normally observed by other Brahmins in northern India. Mostly the Kashmiri Pandits are non-vegetarians and take meat even on prohibited days. They are broadly divided into two groups 'Malmasi' and 'Banmasi'. The former followed the Lunar Calendar while the latter, who are in majority, followed the Solar Calendar.

The Karkuns or the Government Servants having given up Sanskrit in favour of Persian, often employ their daughters' eldest sons as their priests who are Bashyabhats. In course of time, the Karkuns and Bashyabhats became two sub-castes. Basically, Kashmiri Pandits constitute a small highly advanced community with more then 90% of them being literate. Their chief occupation is Government service. Only few are in other jobs or trades. Practically, a few of them pursued farming as main occupation. In 1941, the total population of Kashmiri Pandits was 2,00,000.

(I) Gaddis

The sheep graziers resided in the inner valleys of the main Chenab basin and form a separate group with their own culture, folk songs and customs.

Composition of Muslim Population.

(A) Kashmiri Muslims

Among the Kashmiri Muslims the significant sub-castes were Bhat, Dar, Ganai, Khan, Lone, Malik, Mir, Parrey, Rather, Shah, Wani, Geelani, Jeelani, Wattal, Tantray, Beigh, Jan, Lankar, Zarger, Pandit, Raina, Bakshi, Sheikh and others. . They inhabited mainly the Kashmir province and Doda in former Udhampur district and were found in small numbers in Muzaffarabad and Poonch Jagir also.[23] Unlike other Muslims they are very good in certain crafts like making of world -

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23 *Census of India, 1931, P 297*

famous shawls, carpets, wood carving and other beautiful products of wood, paper machie etc. They are good at business and also cater the tourist in the hotels, house boats and shikaras. Numerically, they constitute over a third of State's population. They are proud of their Hindu ancestry and often retain their original family names and Hindu social practices. Around 15% of them are Shias.

(B) Baltis

The Muslims of Skardu Tehsil in Ladakh district were all Baltis. The most important town of this region is Skardu. They were of the Mangolian origin and had the distinct culture, dress and dialect to differentiate them from others. The total population of Baltis was 2,00,000 in 1941.

(C) Dards

Astore and almost the whole of Gilgit was inhabited by the Dards. The majority of them in Gilgit and Nagar are ordinary Shias, while those of Hunza belonged to the Ismaeli sect.

(D) Muslim Rajputs

The majority of Muslim population of Jammu province consisted of converted Hindus. A number of Hindu castes like Jats and Rajputs were found in Muslim Community.[24] For example the Rajputs sub-castes like the Awans, Bains, Bambas, Gekhars, Janjuans, Khahhas, Khokkars, Manials, Mangrals, Narmas, Salarias, Jhakars, and San were among the Muslims. Whereas many among the Chibs, Jerals, Salarias, Bhattis and Manhas have accepted Islam. Besides, a considerable number of Bhans, Chouhans, Bhatias were also found in the Muslim community.

Muslim Rajputs, have their strong holds in the Mirpur district and Poonch Jagir, though some of them were found in Reasi also. In the rest of the State their number was rather insignificant. Though converted to Islam, most of the Rajputs practiced many of the customs and traditions of their Hindu

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24 *Census of India, 1931, Part - II, P 297*

brethren. Apart from retaining Hindu family names they wear jewellery and dress like them. In ritual relating to marriages and deaths, they had some similarities with Hindu Rajputs. Worshipping the local deities of the Hindus and plastering the floors of their houses with cow dung, are quite common among them. The total population of Muslim Rajputs in the Jammu region in 1921 was 1,41,420, which rose to over 2,26,000 in 1941.

(E) Muslim Jats

Muslim Jats too lived mostly in Western Jammu province. According to the census report of 1941 their number was over 1,21,000 and majority of them were found in Mirpur district. Their traditional occupation was agriculture as elsewhere in the country. Besides, many served in Defence Services.

(F) Sudhans

Sudhans were virtually descendents of Sudhan Brahmins who inhabited Sudnuti Tehsil of Poonch Jagir. Later on they embraced Islam and sought employment in the rank and file of British army and proved themselves as fine soldiers during World War II.

(G) Syeds And Mughals

The Sayeds and Mughals were mainly confined to Poonch Jagir, Muzaffarabad and Mirpur districts though a small portion of their population was found in every district of the State. According to census of 1941, the number of Sayeds was 52000 and Mughals was 42000 in the State.[25]

Syed claimed their descent from Prophet Mohammad, whereas Mughals were relics of foreign invaders who mingled with the local Muslim population.

Gujjars

The Gujjars of the State are Sunni Muslims and mainly graziers by occupation. They were believed to have entered State territories through the Punjab and N.W.F. Province. They

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25 *Census of India, Vol XXIV, J&K State Part I, P 316*

are said to be dwelling in this region even before coming of Mughals. The first reference of Gujjars in Jammu and Kashmir is found in Chamba Copper Plates, which refer to their presence as early as 10th century. They were Muslims; probably they were converted to Islam before they immigrated to this part of the country. The Gujjars had always maintained their distinct identity by speaking Gojri (Parimu) a dialect of Rajasthani and by wearing Gojri dress. Some Gujjars living in Bhimber, Rajouri, Mirpur and Reasi claimed that their ancestors had come from the Gujrat district of Punjab.

The Gujjars have several sub-castes. There are as many as fifty-four sub-castes among them. Some of the sub-castes allowed inter caste marriages, though not frequently. But other like the Awans, Bigyals, Chuchans, Khans, Lones, Manhas Mirs, Moti, Mooner, Plaser, Pathan, Qureshi, Rather, Saiyed, Sheikh and Thakiyal sub-castes allowed marriage within their own fold. In customs, manners, dress, food and habits they have nothing in common with other Muslims. Marriage outside their own tribe was resented. In recent years Gujjar families have started taking to education and to improve their ways of life. Many of them, however, continue to be nomads. In 1921 the total population of Gujjars was 2,43,292 and in 1931 it was 2,80,610 whereas in 1941 the population of Gujjars in the whole State was 2,72,431.[26]

Bakerwals

Bakerwals being nomadic graziers of goats and sheep, usually kept more goats and sheep than cows and buffaloes. Thus they acquired a distinct name Bakerwal.

By a notification issued in 1920, the Government prohibited the entry of foreign Bakerwals in the State territories. This was done so as to prevent the damage being caused to the forests from goats. However, the Government renewed its earlier stand in 1931 and amended the 1928 notification which provided them more facilities. This again prompted the Bakerwals to

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26 *Gupta Kishori Lal, P 77*

enter Jammu region causing a sharp rise in their number from 3798-in 1931 to 14,511 in 1941.

Sikhs

During the Sikh Rule, the State of Jammu and Kashmir was a part of Ranjeet Singh's Kingdom. It was since then that the Sikhs of Punjab had been introduced to this State. Therefore, the Sikhs were found mostly in the border districts of Jammu, Mirpur and Poonch in Jammu region and in Kashmir Valley and Muzaffarabad.

In 1941, their population in whole of State was 65,903 i.e. 1.64% of its population. In 1921, the population of Sikhs in Jammu province was 21,627, which rose to 29,282 in 1931 and 38,566 in 1941. According to the census of 1931, there was quite a good number of Jat Sikhs. They numbered 5,619 in of the whole State. Out of them 5517 belonged to Jammu province, which implies that only a fraction of them were living in Kashmir province. In the Jammu province they were mostly concentrated in Jammu and Mirpur districts. Besides the Jats the Sikhs in the State were mostly Brahmins, Khatris, Aroras and Lobhanas. But the largest number of them were Brahmins, who lived mostly in Poonch. In 1931 there number was 11,723 of which 10,820 belonged to Jammu province. Arora Sikhs numbered 1,735 of which 1692 were found in Jammu province alone.

The Statement given below shows the numerical strength of Brahmins, Jat, Lobhana, Khatri and Arora Sikhs found in Jammu province from 1921 to 1931.

Caste	1921	1931
Brahmin Sikhs	9717	10,820
Jat Sikhs	1271	5517
Lobhana Sikhs	3491	4358
Khatris Sikhs	2272	1929
Arora Sikhs	1762	1692

Joint Family System

It was a common feature of Joint Family System that father, mother and their married sons with their wives, shared a common dwelling. They pooled their individual earnings into a common coffer. Everyone earned according to his capacity and received according to his needs.

In the Jammu region, both the Hindus and Muslims were guided by their respective customary laws, regarding the division of ancestral property, landed or moveable. A Hindu was considered a partner of the family's property at the moment of his birth and could claim his share at any time, he wished. On the other hand, a Muslim could not claim his ancestral property prior to the death of the person who owned the property. In Joint Families, where one's father, mother, grand parents, uncles, aunts, and cousins lived under same roof, landed property was generally shown in the name of head of the family in Revenue records.

The Hindu Law based on Joint Family System did not allow inheritance of the ancestral property by an apoState, if he renounced his religion. According to the Shariat law, also among the Muslims a convert was debarred from inheritance.[27] A widow did not inherit any share when she had her own son to inherit the property of her deceased husband. In the absence of a son, natural or adopted, or a son's male linear descendent, the usual rule was that the deceased's widow took an eState for lifetime tenure subject to the condition that she would not re-marry. This rule was prevalent among the Rajputs, Brahmins and Mahajans. Among these castes a widow could transfer her property to her adopted son or daughter residing with her. After remarriage she forfeited all claims to her husband's property. But in the higher hills of the Jammu region, a widow could retain possession of the property, if she brought her second husband to live with her in her previous husband's home. Sons

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27 Dogra Sant Ram PP 8 - 9

of widows, also forfeited their claim in case their mother took them with her to new husband's home to stay there permanently. In the absence of sons, if a widow died or sought another husband, the property of the deceased husband was inherited by her married daughter or by distinct collaterals of the deceased in the male line. Almost similar rules of inheritance were applied to the Muslim widow also.

Chief Marriage Ceremonies and Some Other Practices.

(A) Betrothal

Betrothal was the first step in the preparation of marriage. The bride and the bridegroom were generally too young to have a mature view about marriage.[28] Negotiations preceding the betrothal were generally conducted by the family priest or by trustworthy relations. In the hilly tracts of Jammu province the father of the boy usually sent an envoy to seek a bride for his son, whereas in "Duggar Illaqua" it was the girl's father who searched a match for his daughter. In the case of a son-in-law his social position carried more importance than his actual income.[29]

(B) Kinds Of Marriage

Five forms of betrothal contracts prevailed in the Jammu region. These were: Dharam or Pun, Takke, Watta-Satta, Ghar_Jawatri, Thumb (Pillar) and other mock marriages.

I. **Dharam or Pun.** It was a kind of engagement in which the parents of the girl accepted nothing as payment. This type of engagement was practiced only by the socially advanced and high caste Hindus.

II. **Takke or Marriage by Purchase.** The marriage by purchase was not prevalent among the people of Jammu region. But some poor parents did accept the price of their girls from son-in-law's parents. Some sections of the society like the agriculturist Rajputs and Thakkars, often had to pay the money as bride

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28 *Census of India, 1931 Part I, P 170*
29 *Cunningham, Lt. Col W.B, P 79*

price to contract marriages. There being the prevalence of hypergamy (restriction upon inter marriages) among the Rajputs it was often difficult for them to find suitable brides. Therefore, the parents of the girls accepted cash, land, wealth or animals on the eve of marriages of their daughters. This system was termed as Rum.

III. **Watta-Satta or Marriage by Exchange.** This type of marriage was practiced all over Jammu region especially in the hills. Marriage by exchange was quite common among all sections of society. Here the parents exchanged the girls. The practice was so common that sometimes a person who had no daughter to give in exchange often found it difficult to get a bride for his son. Sometime he would have to hold out a promise that he would offer his daughter for marriage, whenever one might be born to him. Generally such exchanges were of three kinds: - (a) Atmosha Samhana, where two families were involved, (b) Trebhang, where three families were involved. For example 'A' gave his daughter to 'B' on the condition that 'B' had to give his daughter to 'C' and 'C' to 'A'. (c) Chobhang, in certain cases even four families were involved in betrothals and the system was known as Chobhang. This type of marriage was performed due to poverty where often a brother and sister belonging to one family might marry in exchange for a sister and brother of another. In this way, the dowry, system has not changed. Among the Muslims, too particularly among the Gujjars, marriage by exchange was quite common.

IV. **Ghar- Jowatri or Marriage by Service.** In the hilly tracts of Jammu region, more particularly in Udhampur districts, Ghar-Jowatri or marriage by service was a common practice among the poor Thakkars and

Gaddies. One had to serve prospective father-in-law's family. The duration of service varied according to mutual agreement and in certain cases as long as ten years.[30] After marriage he could take his bride to his home, but in certain cases the man stayed in the family of his parents in-laws even after marriage as mutually agreed upon.

An interesting practice was witnessed among the Dhunds in Poonch and often hilly and backward areas of Udhampur, Kathua and Doda district where a rich man often married a girl of a poor family. Wife of such marriage was often termed as inferior and as such she was required to serve as maidservant. Even the children born to her were called as Guzara Khawar. They were entitled only to maintenance and were also treated as inferiors.

V. Thambh (Pillar) and other Mock Marriages. Thambh marriage was prevalent mainly among the people residing in hilly tracts of Jammu. In this type of marriage the girl used to be fictitiously married to a pole (Thambh) of her father's house. Then she was left free to have sexual connection with any one of her desire. The issues born from such a woman were called "Thambh-de-Putter" (Sons of a pole). Even the entry of their parentage was recorded in Revenue records of the Government as Thambh (Pole).

Polygamy

Polygamy is the practice in which a man has more than one wife at a time.[31] Among Muslims polygamy was recognized practice. The Shariat, in fact, permitted them to keep as many as four wives, but the practice commonly followed was to keep one wife only. The second wife was taken only in case the first

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30 Khajuria, Sanjit Kumar, O P Cit, P 70
31 Kapadia, K M; Marriages and Family in India, Oxford University Press, London, 1966, P 97

remained childless or was crippled or was suspected of adultery. However, economic factor seems to be the main compelling factor behind keeping one wife only.[32]

Polygamy was mainly practiced in the hilly and the backward areas by rich and caste Hindus. The second marriage was contacted mostly with the consent of the first wife, though it was not a pre-condition.

Polyandry

The practice of a woman having more than one husband at a time or in which brother shares a wife is called polyandry. This practice existed among the Buddhists and some Hindus of Padder in Kishtwar Tehsil. In the higher hills of Jammu, widows were allowed to beget children from their husband's brother in case the husband was unable to cause pregnancy to her. The State Assembly in April 1941 passed a law abolishing polyandry once and for all. Even the Buddhists were bound by this law.

Divorce

Wedding among the Muslims was really the extension of a solemn contract. Under the Islamic Law, this contract could be broken at any time. The binding condition was the payment of Haq-Mehr (Dower) to the wife to be divorced. From the religious point of view, divorce did not exist among Hindus and Sikhs. Further, marriage was irrevocable and indissoluble. However, a man could sever marital relations with his wife, if she turns unchaste or proved infertile. This practice was particularly prevalent in the hilly tracts of Duggar illaqua where the marriage ties were rather loose and the custom of breaking marital connections both by the husband and the wife existed among the Thakkars, Gaddis, Pahari Brahmins, the low caste Hindus and so on. Like Panchayat in a village, caste councils were the only effective agencies for deciding and regulating the divorce cases.[33]

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32 *Kapadia, K M, **OP cit**, P 52*

33 *Gupta Giri Raj, **Marriages, Religion & Society**, New Delhi 1973, P 41*

Female Infanticide

The Jammu region, like the rest of India was not free from this inhuman social evil. Female infanticide in its regular and systematic manner confined to infants, who were either poisoned or put to death by various means at the time of birth itself. In fact, the roots of this practice lay deep in the institution of the caste and marriage. Expenditure of large amount upon marriage ceremony was one of the most potent causes responsible for the institution of female infanticide among the Rajputs of the region. The census report of 1941 indicates that the practice started receding after 1925 when Maharaja Hari Singh took initiatives to do away with it. He appointed committees to do away with this inhuman act. The committee reported upon measures to be taken for the prevention of the female infanticide in Rajput community. The committee consisted of Major General Rai Bahadur Janak Singh, G.E.C. Wakefield, P.K. Wattal and Thakur Kartar Singh. The committee advocated education among the people and suggested stringent action against those who were found guilty of the crime.

Maharaja Hari Singh proclaimed that for every daughter born in a Rajput family, her parents would be granted an acre of State land and financial help at the time of her marriage. The Maharaja also established a regular fund called the "Dhandevi Memorial Fund" in memory of his deceased wife for the purpose. In this way the sinful practice was eradicated.

(b) Economic scenario of Jammu & Kashmir in the 3rd decade of 20th century

During the Sikh's Rule, Moor Craft, the Englishman who visited Jammu & Kashmir, found in 1824 that everywhere the people were in most abject condition, subjected to every kind of extortion and oppression. According to him, "not one sixteenth of the cultivable area was under cultivation". The taxation was exorbitant and corruption was universal. Conditions were completely disturbed and deranged and the Sikh Governor had neither the time nor any inclination to effect any lasting

improvement in the conditions of the people. Another visitor, Vigne, who came to Jammu & Kashmir a decade later, draws almost the same picture as the Moor craft and speaks of whole villages thrown out of cultivation. The Sikh Government took one half of the Kharif crop plus four tracks (1Trak=5 3/16 seers) per kharwar (1Kharwar=16=Tracks=83 Seers). The village official got, in addition, about a track per Kharwar. Besides, Nazarane and other taxes and tambol had to be paid to the Government. About two thirds of the gross produce was appropriated by the State in one form or the other. The farmers lived on the margin of sustenance and their condition was little better than that of the Serfs.

Maharaja Gulab Singh did something to alleviate the misery caused by 'begaar'. A number of men were determined in each village for 'begaar' and every man when on 'begaar' duty was to be paid a Kharwar of rice per month and given food. However, it was during the reign of Pratap Singh (1885-1925) that 'begaar' in all the forms was abolished and the cultivators, who had abandoned their lands for fear of their being impressed under 'begaar' were recalled and settled on their lands. The State demand was fixed for 10 years.

Further, as a step towards substitution of payment in cash for payment in kind, the proportion of latter was so fixed as to cause the least hardship to the cultivator and to maintain the confidence of the population and the sepoys who attended at harvest to coerce the cultivators were removed. He took several other measures to improve the condition of the agriculturists. Still there was much to be done and it was Maharaja Hari Singh, who furthered his predecessor's efforts to ameliorate the lot of the people.

Like the rest of India, the majority of the population of the Jammu region inhabited rural areas. 76% of population of the region depended on agriculture for their livelihood in 1931.[34]

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34 Census of India, 1931, PP42, 209 - 210

In the region only 15% area was getting irrigation facilities of one kind or the other. In contrast, the Kashmir Valley had 60% irrigated area.[35] In the hot moist tract of Jammu Province such as those irrigated by the Ravi and the high rivers in Jasrota area, the peasants were numerically and economically weak. They always required external help and as such *Halara* System had developed in that part. Under this system, *Halaradars*, locally called *Udhario* used to come to the State from the adjoining areas of the Punjab at the time of sowing and harvesting and share the profit and responsibilities among them on the basis of ploughs contributed by each individual.[36] Although, Jammu & Kathua districts had some plain land, the greatest part of these districts was *Kandi*, which usually remained fallow on account of poor rainfall.

The greatest handicap for agriculture in the rest of the province was the hilly terrain, which was quite unsuited for agriculture. The percentage of cultivable area to the total area of the province was only 16.9% in 1931 and 17.7% in 1941. The percentage of net area cultivated to the total area was still lower i.e. 41.1% in 1931 and 14.9% in 1941.[37] However the percentage of the cultivable area in 1931 & 1941 in Jammu district was 41.7 & 38.5, in Mirpur 27.6 & 27.9, in Kathua 25.3 & 26.3, in Poonch 20.6 & 26.0, in Reasi 13.5 & 13.9 and in Udhampur 7.0 & 6.3 respectively.[38]

(A) Ownership of Land

Ryotwari land tenure was the most prevalent system in the State. The proprietary rights of land were usually vested in the State. Unlike Kashmir, State ownership rights were not absolute in the Jammu province. Nevertheless the State possessed proprietary rights in greater part of the province. In the tehsil of Mirpur, Ramgarh and Basholi, almost entire area was owned

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35 *Chib Sukhdev Singh, **This beautiful India**, J&K op cit P 55*
36 *Ass. R of Jasmergarh Tehsil, 1924 PP 17*
37 ***Census of India**, 1931, P 69 **Census of India**, 1941 PP 74 - 75*
38 *Ibid, **Census of India**, 1931, P 69*

by the State. The holders of State-owned land were called *Malgozars* who had to pay revenue direct to the State. They enjoyed the right of selling and mortgaging land, unlike the Haq-i- Assamies of the Kashmir province, and frontier districts was held by Zamindars either in *Haq-i-Assamies* or as tenants at will.[39] Under *Haq-i-Assami* all lands were owned by the State. The actual holders of the assamis had the right of occupancy as against the State as long as they paid the dues, but had no right of alienation by sale or mortgage. Occupancy rights were conferred on cultivators in undisputed lands during the first regular settlement operations. It was only in 1933 that the State govt. granted proprietary rights to *Assamis* in Kashmir province and the frontier districts of Ladakh as well as to occupancy tenants in the Jammu province.[40]

The agriculturists of Jammu region, being financially, weak were usually compelled to sell their land holdings to pay their debts or to defray expenses in connection with marriages, diseases and deaths. In some cases reckless borrowing in connection with litigation also led them to dispose off their lands. Since the regular settlement, the process of fragmentation of holdings had taken place at faster rate than that of their consolidation. This was mainly due to two reasons i.e. growing pressure of population on land and decline in joint family system. The transfer of land in the plains was more frequent than in the hills. This was mainly due to the fact that money holders, influential State officials and even some non-State subjects were interested in acquiring land in the plain because of the productive value. The Jammu Land Alienation Regulation of 1933 extended its provisions of earlier regulation of 1915 to all the tehsils of Jammu province totally prohibiting transfer of land in favor of non-State subjects.

(B) Rural Indebtedness

Like most princely States J&K too was economically very backward and here the peasantry was in the grip of indebtedness.

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39 AR of 1937 - 38 P 8 AR of 1938 – 39, P 11
40 AR of 1939 - 40 PP 12 - 13

In this State an agriculturist was usually born into the legacy of ancestral debt inherited from father to son for generation after generations. Most of the agriculturists were in the grip of money- lenders. It was considered a moral and pious obligation by tradition that the debts contracted by one's forefathers had to be paid by him.[41]

After settlement operations in 1893 no definite survey of rural area had been conducted. Therefore, it is difficult to arrive at the exact extent of rural indebtedness. However, it is evident that owing to heavy pressure of population on land, lack of intensive agriculture, virtual absence of irrigation facilities, lack of cottage industries, application of primitive methods of agriculture and slow cooperative movement the peasants were hard pressed. In fact, agriculture was deficit economy, which could hardly meet the basic necessities of life of rural masses.[42] It was this necessity that most of the loans raised by the agriculturists of the Jammu region, like their brethren in India were meant to balance their family budgets as also to make up their losses and not for agriculture production purposes. Payments to moneylenders were generally made in kind at much below the market rates. This kind of making payment in kind was known by different names in different parts of the region i.e kull in Ramban Tehsil, Rek in Udhampur Tehsil and Mussaida in Kishtwar Tehsil. According to revenue assessment reports of Jammu region, the extent of rural indebtedness differed from Tehsil to Tehsil, with the result that the tendency to exaggerate one's debts was found in some areas. The rural indebtedness in Jammu province was however wide spread.[43]

To liberate the indebted villagers from debts, the govt. had extended considerable relief to the rural masses by bringing on the statute book, such beneficent legislation as the agriculturist relief regulation of 1928, the Jammu and Kashmir Village

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41 Census of India, 1941, PP 74 - 75

*42 Ganga Ram Wazir, **Praja Sabha Debates**, 1937 ?1*

43 Ass. R. of Jasmergarh, P 14

Panchayats Regulation of 1935 and Aid to Agriculturists and Land Improvement Regulation of 1936.[44] The main purpose of the Agriculturists Relief Regulation of 1928 and Aid to Agriculturists and Land Improvement Regulation of 1936 were grant of loans by the govt. for agricultural improvements and for relief of distress among the Zamindars. These aimed at helping the farmers to promote agriculture so that maximum land could be put under cultivation.

Causes of Indebtedness

The debts contracted by the agriculturists were mostly meant to balance their family budget or to make up their agricultural losses during a failure of crops. Beside this the agriculturists used to spend extravagantly during ceremonies relating to birth, death, marriage and performance of death anniversaries of the relations, because their socio-religious customs and traditions compelled them to do so. Some times the higher caste Rajputs were compelled to offer large prices for securing brides owing to dearth of girls among them. So they generally raised heavy loans. In the absence of suitable markets for their products and any specific agency for financing them, the rural peasantry and agriculturist of this region had to depend upon the traditional village moneylenders. They not only extracted exorbitant rates of interest but also dictated their own terms to the producers, while buying their produce. All these simply added the woes of the peasantry, leading ultimately to the total destruction of many families.[45]

The State Government had adopted a measure in 1928 to protect the peasantry from exorbitant rate of interest. It was styled the Agriculturists Relief Regulation and was based on the Deccan Agriculturists Relief Act of 1876. It empowered the debtor to bring the creditor to the court for the settlement of account. This Act had also authorized the court to go into the accounts of previous five years to see whether the total interest

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44 *Praja Sabha Debates, April 21, 1937, P 1*
45 *Ass. R. of Jasmergarh, PP 11 - 12*

charged did not exceed the fifty percent of principle and to fix easy installment of payment.[46]

In spite of the above causes of indebtedness of the rural population, prevalence of forced labour was one more reason for aggravating the financial difficulties of the poverty – stricken rural masses. The Government officials, the Jagirdars and the other landlords exploited the masses and utilized their services without any compensation; not only this, the villages were also supposed to provide touring officials with ponies, food, milk, poultry and fodder free of cost. Sometimes, the people were compelled to render *kar- beggar* (forced labour without wages) at the time of sowing, harvesting or when the crops needed intensive care with the results the farmers had to remain out of their homes for days together, leaving their field at the mercy of God thereby leading to great loss. The system in brief, adversely affected the economic position of the Agriculturists.[47]

(C) Industries, Handicraft and Arts

A Department of Industries was established in 1923 to develop and foster industries in the State. Sericulture was one of the most important industries in the State. The pioneer of modern sericulture industry in the State was Thomas Wardle, President of Silk Association of Great Britain and Ireland. It was through the untiring efforts of C.B. Walton that the sericulture organization was established in Jammu province in Feb 1907. From the Silk industry raw as well as the manufactured silk was exported to the Punjab. Silk was also much in demand in Europe. Even during the World War 2nd, the silk produced by the Silk factories in J & k State was much wanted in the international market. Therefore, a large quantity of raw silk was exported to Britain, to be used in the manufacture of parachute during the war period. However the most important step towards the promotion of silk industry was taken in 1941 when the State Government chalked out a five-year plan. The

46 *A note on the Jammu and Kashmir State, 1928, P 31*
47 *Gupta Kishori Lal, Op. Cit, P 178*

five-year plan contemplated an increase of 50 to 100% in the various aspects of sericulture operations. In 1942 the average number of Zamindar families engaged in Jammu province in the rearing of cocoons was 6000. The rosin and turpentine factory in Jammu district had been doing well. The factory had led to the establishment of number of minor private owned industries and contributed to the development of Miransahib into what could pronounced as a new industrial town.

Cotton textile was the main subsidiary industry in Jammu. The cotton cloth manufactured here was not only used locally but also exported. Being cheap and durable, it was largely taken away by the Kashmiri laborers on their return from the Punjab, where they used to work during the winter season.[48] A special mention may be made of Samba, which had become very famous for the cheap chintze and print cloth, especially quilt covers and masnads or the floor coverings. The printed fabrics of Samba indeed became so popular in India and Britain that the Government was tempted to monopolize their sale.

However, like Kashmir, in Jammu also the cotton industry suffered towards the end of the 19th century owing to the availability in the State cheap and superior mill-made cloth.[49] Since the cotton weavers were mostly, conservative, poor, caste ridden and illiterate, they failed to meet the challenge posed by certain modern methods of industrial production. Change in fashion and the stoppage of export after the First World War, further hit the industry. But as the war continued, imports from abroad were also curtailed. As a result the foreign made cloth became costlier and the demand for the home-made, which had become cheaper in the changed situation, began to expand. This development thus, may be said to have given a new lease of life in the cotton industry both in Jammu and Kashmir. In the field of industry, the Jammu province was far behind most other parts of the country, especially Kashmir. Here hardly any

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48 T. R. of 1920 - 21, P 29
*49 **TR of 1905 - 06** P 10 T R of 1907 - 08, P 14*

modernized industry existed before 1925. Infact, only a small number of traditional artisans followed cottage industries on primitive lines.

(4) Cotton and Textile Based Industries

I. Handloom Weaving. The cotton industry was the main subsidiary industry in the Jammu province. This industry was carried on at Samba, Mirpur, Basholi, Kathua, Ramnagar, Rajouri and in other places. In 1941 the total number of cotton looms in the Jammu province was 11,580. It is important to note that in almost all the villages, there were hereditary weavers.[50] In the Jammu province the work of handloom weaving was mainly concentrated on the production of cotton fabrics. Some quantities were also produced from staple yarns and spun silk. Cotton fabrics were mainly produced in Jammu province. It has been estimated that during the period 1940-41, 1,10,32,800 yards were produced in Jammu province as compared to 4,3200 yards in Kashmir province. The fabrics produced were susi, khesis, dusters, teepoy covers, shirtings, punjama cloth, bed sheets, muslin and plain khaddar. The cotton products areas were very popular in the markets of the Punjab. It was with the guidance from the industries that the handloom weavers of Mirpur and certain other parts of Jammu region successfully produced khaki drill cloth for the first time in 1941.[51]

However, competition from the machine fabrics, lack of organization among the spinners and weavers, the meager financial resources at the disposal of village artisans and peasants and also the primitive methods of weaving had affected adversely the prosperity of the village textile industry. The difficulties in procuring

50 J&K Govt. Publications, Srinagar, 1940, P 3

51 AR of 1940 - 41, P 111

dyes and chemicals were some other problems, which stood in the way of development of the cotton industry in a big way. Various measures taken by the Govt., the mention may be made of the facilities given for the training of weavers in the use of improved appliances, such as fly shuttle sleys, automatic handloom, with a view to improve the quality and the quantity of the output of the spinners and the weavers.

II. **Spinning and Weaving.** The shawl industry was also one of the important industries in the Jammu region though not carried out as extensively as in Kashmir. Its most important centers were in Ramnagar, Basholi, Bhadrawah, Doda and Udhampur districts with a large number of people of these places engaged in this profession.[52] Kishtwar, too, where the inhabitants were mainly Kashmiris having migrated to Kishtwar in the wake of the famines of 1832 and 1878, was a shawl-producing center. However, the quality of shawls produced in Kishtwar was somewhat inferior as compared to Kashmiri shawls.

Woollen cloth like puttoos, loies and blankets were also manufactured in Jammu province. A good quality was produced in Doda, Bhadrawah, Kishtwar and Ramnagar. Infact, they were fairly good in quality and simple in design. However, they were not only used locally but also exported.[53] The trouser tape i.e. Nara weaving, was an age-old industry of the villages around Jammu; Smailpur, Kote Bhawal, Bishnah and the weavers were, particularly, known for this job.

III. **Kashmiri pottery work and its manufacturing in Jammu.** Manufacture of earthenwares is an ancient art. If one looks to find from the old monuments

52 *Census of India, 1931, P 225*
53 *Panna Lal, Op. cit, P 11*

excavated in Kashmir one feels a contrast between the beautiful potteries manufactured in olden days and the type of stuff produced at present. Of course, one cannot say that the people in olden times had more improved appliances but they were undoubtly more skillful. There were abundant resources of suitable clays for pottery available in the Jammu region. But the lack of knowledge among the potters, both with regard to the supply of raw materials and improved appliances, were the main obstacles in the growth of the industry.

During the year 1938-39, the management of the Kashmir pottery works made several changes of technical nature. These changes resulted in a slight improvement in the quality of goods produced. Jars for electric purposes, inkpots, flower bowls and specimens of crockery were manufactured on a small scale. During 1930-40 the electric and the Telephone Departments of the State extended their patronages to this industry and placed substantial order with these concerns.

IV. **Wood work and furniture Industry.** The remarkable skill of the village carpenters who ordinarily appeared to be unintelligent and sluggish, was manifested from the exquisite carvings, he executed at the shrines or while he was preparing lattice work or designing Khatamb and ceilings. While working on the lathe, his products, the toys, beds, boxes or other ornamental works, were splendid, although directions and design were needed to bring the products to modern standards for increasing their demands.[54] However manufacture of *Shisham* wood furniture was making rapid strides in Jammu province where small establishments were doing good business. In fact Jammu housed about 50

54 A brief note on the village Industries of J&K State, 1940, P 6

units producing furniture and other allied articles. The bulk of the local requirements in furniture were met locally. The production of modern wooden toys was taken up for the first time in Jammu in 1941.[55]

V. **Uttam Floor Mill.** This mill owned by messars Uttam Singh Khurana & sons, was setup in April 1941. It had daily grinding capacity of 500 maunds. The local value of the different kind of wheat products of the mill was Rs. 1, 65, 700. The total grinding capacity during 1943-44 was 80, 557 maunds.

VI. **Rosin Factory.** Crude resin was being tapped in the forests of Mirpur, Reasi, Billawar and Udhampur divisions since 1911. However, the tapping of resin on large scale was taken in hand by the State Govt. as late as in 1936. Since then thirty to fifty thousands maunds of resin were being collected annually and sold to the Jullo Turpentine and Resin factory located at Miran Sahib (Jammu). The demand for the products of resin distillation had also increased.[56]

The Rosin and Turpentine Factory, Miran Sahib was established in 1940. The capital outlay of this factory was Rs. 3 lakhs. The total net profit of the factory during 1940-41 and 1941-42 was Rs.44, 463 and 1,38,804 respectively. During October 1941-March 1942 the factory distilled 65,957 maunds of crude rosin. 1,07,582 maunds of rosin of various grades was produced. Again during the year 1942-43 67,462 maunds of crude rosin was distilled and 1,11,451 gallons of turpentine of various qualities and 49,853 maunds of rosin of various grades were produced. This factory had also led to the establishment of a number of private owned industries which produced various kinds of soap, phenol and other disinfectants, paints and similar other products. Resin

55 *A. R. C. I. of 1941 - 42, P 6*
56 *A R C I of 1937 – 38, P5 AR of 1937 – 38, P 91*

tapping was essentially a subsidiary occupation for the local rural population, which helped to improve their financial position.[57]

VII. **Apiculture.** Honey was produced in Jammu region, mostly in villages situated at higher altitudes. The methods of beekeeping were largely primitive. The hive consisted of two large clay plates fit into the wall of the cottage covered by an outplate with a small hole through which the bees entered.

In 1938, the bee-keeping center in Kashmir was shifted to Udhampur and then to Katra in Jammu region. This was done because the bee fared well in the comparatively warmer climate of Katra. This center faced difficulties in the beginning of April 1940 owing chiefly to the scarcity of flora during the summer months. It was therefore, shifted to Batote towards the middle of 1940.[58]

In 1939, demonstrations in the improved methods of honey production were arranged in Jammu and Kashmir. In the Jammu province, the apiculturists were able to increase the calories from 40-60 per unit that produced 1800 pounds of honey. The Govt. was encouraging this industry on priority basis.

Some other industries set up in Jammu region were the tent factories. The tents produced in these factories were supplied to various departments of the State and also to the places in Punjab. These factories also indirectly encouraged other industries in the State, including *Durree* and Chicks manufacturing. Material required for the industry was important in Bond and other materials were of local production. The army council had ordered in 1926 that the requirement of the Military department should be obtained from these factories.[59]

It was considered that Kashmir Valley was the only place in India where from willow suitable for the manufacture of

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57 ***Census of India**, 1941, P 25*

58 ***Praja Sabha Debates**, April 20, 1940 P 8*

59 *A. R. of 1924 - 25, P 39 **AR of 1925 - 26, P 16***

cricket bats could be procured. The Director of Industries, therefore, assessed that there were good prospects for the cricket industry in the State and for that he visited Sialkot in August 1937 for on-spot study. Finally towards the end of 1937 a firm under the name and style of Kashmir Willow Ltd. was registered with the sole object of protecting the infant industry. The custom duty on the accessories required for the industry was also removed. During 1940-41, this industry underwent a remarkable expansion and a branch of the factory was opened at Miran Sahib Jammu, for which the Maharaja's Govt. provided the necessary land and building. This branch showed remarkable results by manufacturing cricket bats, tools, handles and various other wooden articles for the railway department, Bombay port trust and textile factories. In addition, the factory kept itself engaged on the production of tent mallets, camp tables, wooden tools, handles for files, hammers, spades, shovels, pick-axes etc.

Overall condition of workers engaged in industries

In fact, there were three main kinds of industries in the State. It included (1) the industries in the private sector (2) industries in the public sector and (3) village industries.[60] Among all, the village industries form the backbone of rural economy; each family on its own resources maintained these industries. Their products met the need of the local people only.[61]

1. Private Sector

The chief feature of the private sector industries was that these functioned on cottage basis. The unit of production was small workshop that mostly employed five to ten persons. At the same time, there were a few units of carpet weaving being run on a factory system. These units employed more than hundred persons at a time. The process of production in all these industries had, however, given way to the institution of master craftsmen and a middlemen financiers who along with

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60 *Census of India, 1941, PP 24 - 25*
61 *Ibid, Ganga Nath, Op cit, P 86*

the deals, generally controlled everything with regard to designs, wages, purchase of raw material and sale of the furnished goods and by - products. The man who occupied a pivotal position in the industrial organization was the dealer. He financed the work, determined the quantity of workmanship and also decided, in consultation with master worker, the design of goods to be produced etc. Sometimes master worker acted as a capitalist. Being a proprietor of the workshop, he himself advanced money to the workers in order to keep at his disposal a fair number of them permanently.[62]

2. Public Sector

Among the industries working in this region, the Sericulture was the most important one. There were two directorates of Sericulture one each at Srinagar and Jammu, with their offices in the premises of factories only. In 1923 both of those were placed under the charge of the members of the State Council for Commerce and Industries. The Director was the chief head of the factory. He made arrangements for mulberry plantation, seed importation, reproduction, distribution, purchase of cocoons, silk reelings in filature and marketing of silk yarn, silk waste and cocoons etc.

3. Village Industries

Village industries played a major role in the economy of the State as they offered employment to a large number of people. In Jammu region, the handloom weaving of cotton and wool was the chief village industry but the organization of this industry had a peculiar feature. The weaving was mostly confined to a particular caste among the Hindus viz *Megh* and to a particular section of the Muslims viz *Bafinda*. It was only in the rare cases when upper classes took up this profession. Keeping the hereditary profession, every weaver's home was a little workshop. He did not keep any paid workers as it was out of his capacity to afford them in his domestic workshop. The

62 *Panna Lal, Economic Survey of utensil making industry in Jammu Province*

weaver himself performed all operations like carding, spinning and weaving. The women and children of the family often helped the weaver in his work. The traditional spinning wheel known as *Charka* was used extensively throughout the Jammu region.[63] The yarn spun with its help was woven into cloth by men folk with the help of traditional pit loom. The weaver would get on the yarn either supplied by the traders or local people. In fact, he would get his wages mostly in kind & occasionally in cash.

4. Roads

The Banihal Cart Road, in fact was the chief commercial route partly because Jammu was not very far off from Amritsar, The Emporium of the Punjab. The construction of the Banihal cart road started in 1909 and got completed in 1922 at the cost of rupees 43 lacs.[64] It covered a length of 203 miles rising from Jammu to Patni Top at an altitude of 6,600 feet and then after dropping down to the Valley of the Chenab at Ramban, it again rose to the Banihal Pir Panchal at an altitude of 9200 feet then it dropped again in the Valley of Kashmir. The opening of this road shortened the distance between Lahore and Srinagar and also it connected the two capitals of the State viz Jammu and Srinagar. The construction of this road facilitated free flow of goods from one region to another as also frequent visits of the people of Jammu region to Kashmir and vice-versa. The road assumed so much importance within a short time that in 1931, 14017 motor lorries, 3612 motor cars, 495 tongas, 63 ekkas and 197 bullock carts passed over it. During 1936 - 37 over 12,000 vehicles passed over it from Jammu to Srinagar & vice-versa.[65] Along with the Banihal cart road, a number of feeder roads were also constructed to link various parts of Jammu region.

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63 *Panna Lal, **Handloom Weaving Industry in Jammu Province 1941**, PP 1 and 76*

64 *A. R of 1923 – 24, P 52 **Census of India**, 1931, P 34*

65 *A. R. of 1936 - 37, P 68*

After going through several administrative reports of the State industries and Commerce Department it was out that there was paucity of the means of transport and communications. As a matter of fact, it was mentioned in those reports that the Department of Industries and Commerce in its anxiety to assist the industrial development was much baffled by the transport problem. All those deposits or any raw material that lie in the interior of the country will remain, it is feared, underdeveloped till roads open up the country.

Inadequacy of transport in the State may be reflected by the fact that it engaged only 1% of total earners. Leaving aside some plain portion of the State where there was no affordable means of transport or cart traffic was carried on pet animals. However the railway line in Jammu region was an extension of the North-Western Railway from Suchetgarh to the Jammu city. The work on this Railway line started in October 1888 and the line was declared open for traffic on March 13, 1890. It was about 17 miles in length and was purchased by the State Govt. from the Dharmarth Department for a sum of Rs. 11,78,078. This was the only railway line in the State connecting this part of the State with the Punjab. After the opening of the Banihal Cart Road to the wheeled traffic in 1922, the trade activities in Jammu became more brisk because the entire trade of the State was conducted through the Jammu Province. The main articles of import into Jammu from the Punjab were grain and pulses, cotton goods, sugar, raw cotton, building materials, salt, spices, provisions, leather, drugs and medicines, stationary goods, oil, petroleum, dyeing, materials, seeds, fruits and vegetables, tobacco and other articles of merchandise. The items exported from the State to the Punjab were timber, provisions, live stock, fruits and vegetables, grains and pulses, hides and skins, wool, raw silk, cocoons and fiberous products, ghee, honey, medicinal plants materials, anardana etc.

Trade between the Jammu & Kashmir provinces was termed as inter-provincial trade that passed for the most part by

the Banihal Cart Road. The chief articles of import into Jammu from Kashmir were rice, charas, seeds, fruits, ghee, wool and woolens, hides, leather, namadas, ghabbas, shawls etc. etc. while the main articles of export from Jammu to Kashmir Valley were grains, pulses, oil seeds, cotton piece goods, live stock, sugar, opium, silver, metals, anardana provisions and tobacco and so on.

Commercial activities were mainly confined to districts, towns and a few tehsil headquarters. Beside Jammu and Srinagar cities, some of the important commercial centers in the State were Udhampur, Mirpur and Poonch in Jammu province, while Baramulla, Anantnag and Sopore in Kashmir Valley. Udhampur was the emporium of *ghee* (classified butter), *anardana* (sour pomegranate seed), *guchi* (morels), *bunafsha* (nole-adorste) and rosin. Similarly, the areas of Kashmir province were the centers of apples, almonds, *kesar*, pear, woolen and silk shawls, *namadas*, **ghabbas**, woodcarvings and silk products. The traders of this State had trade relations with their counterparts in Amritsar, Delhi, Bombay and Karachi.[66] Poonch, like Udhampur, was also an important market of hill products and *ghee*, which were mostly exported to Punjab. Some *Khatri* trading families of Rawalpindi, Jhelum and Sialkot and Mahajan families of Mirpur, Bhimber, Kotli tehsils had been attracted to Poonch because of its trade potential. The rural population would meet their necessities of life from the local shopkeepers or of the neighboring villages. Money- lending played an important role in the rural economy. Its importance can be judged from the value of property (movable and immovable) mortgaged from time to time. There may be many cases where deeds might not have been registered and as such in the absence of registered deeds, it was extremely difficult to know the exact number or value of items mortgaged.

Wages and Working Conditions

For a worker wages are paramount and priority area. On the other hand as far as economist is concerned the remuneration

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*66 **Census of India**, 1931, PP 239 - 240*

of a worker is the wages which in terms of money are called as money wages whereas in the terms of "necessaries, comforts and luxuries" are called "real wages". Keeping these aspect in view one can say that wages and standard of living are closely related to each other. The mode of payment of wages in money was widely practiced.

During the first quarter of the twentieth century the wages of the workers remained almost stable. However, during 1925–26 the general economic condition was slightly better owing to the general fall in the prices of sugar, tea and salt which were the essential commodities for the workers depended on the market. The higher prices of the food also brought gains to the agriculturists.[67]

Prior to 1941 the wages of skilled as well as unskilled workers were very low. A casual day labourer or a porter hardly earned 4 to 6 *annas* a day. Even during 1941 the wages of a casual labourer ranged between 6 and 8 *annas* a day. Very few workers earned more than 2 rupees a day. In factory the wages were unsatisfactory. Needless to mention that in the Silk factory at Jammu the average daily wages of a worker ranged between 10 *annas* and 16 *annas* during 1937-38 but prior to 1938 there was hardly any trade union to get the working condition of the workers improved and regulated.

Condition of the farmers was worst in the *Kandi Illaqa* of Jammu Province where as many as 12 lakh people lived. In fact, all these people led a wretched life due to economic and educational backwardness. Similarly, the peasantry in Kashmir Province was without any work during Autumn and Winter seasons of the year and to meet both ends they largely depended on manual labour in Punjab, working as wood cutters, load carriers and collies. Sheikh Mohammad Abdullah, as a student in B.Sc. class at Lahore, compared the life of the Punjabees with the life of Kashmiries, he felt dejected and thought himself,

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67 Census of India, 1931, PP 24 - 29

"My countrymen are working like asses in the Punjab. My class fellows would occasionally hurl insults and taunts on me calling me 'hatoo'." Sheikh in agony took a vow that either he would free his community from miseries or would die as a victim of *enslaver*. In a Statement at Aligarh he said:

"I have always cherished the hope to see Kashmir as a great country in the world. I hate communalism and I cannot bear the idea that one party or one nation, enslaves the other party or the other nation. I have full faith in justice and wish that justice be done to everyone and he be given his due."

After doing his M. Sc. at Aligarh in the year 1930, he returned to Kashmir and invited all the educated Muslim youth to a common platform and established a Reading Room party at Fateh Kadal in Srinagar city. The members of this group would send their articles and news items to Lahore and demanded end of the Dogra Raj.

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CHAPTER–III

RESPONSES OF MAJOR COMMUNITIES TO THE MAHARAJA'S RULE

There was an agitation in 1924, in the Silk factory at Srinagar but it was not conducted in an organized manner. (In other parts of India, however, the people had organized themselves into two major political parties i.e. the Indian National Congress and the Muslim League.) After Hari Singh's accession, political consciousness began to grow among the people of the State also. The dearth of local officials greatly hampered the various reforms at the time of Ranbir Singh. The problem was aggravated during Partap Singh's reign when Urdu was made the court language and English was used for Administrative purposes. This necessitated the employment of a large number of outsiders in the State services. Western education, in due course of time, started spreading within the State and its institutions began to produce a number of locally educated young men every year. But only a fraction of them got suitable employment, owing to the dominance of the outsiders. This led to a wave of resentment against Maharaja Partap Singh.

However, in January 1927 Maharaja Hari Singh promulgates the law regarding the "Hereditary State Subject." It was the Muslim Conference which resented this action on the ground that the action had been taken by the Maharaja only to debar Muslims of the Punjab from entering the State Services and holding immovable property in the State.[68]

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68 Government of J&K, A Handbook of J&K Sta'., *1947, P 31*

They demanded that if enough Muslim candidates with the requisite qualifications were not available within the State, opportunities should be made available to Muslims from the Punjab and other provinces to enter the services in preference to educated non-Muslim residents of the State. That argument was not acceptable to the Maharaja, because he aimed at protecting the interest and doing full justice to the rights of his own Subjects.

In June 1927, Hari Singh constituted a scholarship selection board for awarding scholarships to deserving students of the State to enable them acquire higher education. That issue, too, became the basis of another grievance for the Muslim Conference, on the ground that no Muslim member was included in the Board and as such there were bleak chances of any Muslim being selected for the scholarships. In 1928, Hari Singh got passed an act known as "Infant Marriage Prevention Act" by which the offsprings of infant marriages were deprived of their proprietary rights. Child marriage was very common among both the major communities of the State but many of them, without realizing the importance of the reform, made it a basis of fresh resentment.

In the meantime, several Muslim young men, fresh from Indian universities, particularly, of Aligarh, where they had come into contact with Muslim leaders and propagators of Pan-Islamism, had organized themselves into a group holding frequent meetings at the Muslim Reading Room at Fatehkadal, Srinagar. Many of them, frustrated at their failure to enter the State service, felt that they had no future in their own State without any political backing.[69] By and by they organized larger meetings and carried on effective whisper campaign against what they termed a Hindu State.

In 1929-30, Kashmir Muslims Conference was established in Punjab with its headquarters at Lahore. Soon afterwards,

69 *Khan G. H. Freedom Movement in Kashmir 1931 - 1940 Light and Life Publishers, P 120*

this organization resented against the rule of Maharaja in the name of the Muslims of Kashmir. Therefore, in 1929 some prominent members of the Muslim community approached the State Government to reserve certain number of posts for the Muslims but Maharaja rejected their demand on the ground, that it had been made by outsiders, who had no business to interfere in the internal affairs of the State. This rejection of the demand was immediately publicized by the Kashmir Muslim Conference of Lahore, as an attempt on the part of the Maharaja to refuse justice to his Muslim Subjects.

An extensive and fierce propaganda campaign against the Maharaja's rule was let loose by the Muslim press.[70] Leaflets and journals containing stories of the deliberate suppression of Muslims in the State were distributed in thousands, instigating the people to rise against the Maharaja, who, it was alleged, was influenced by his Hindu officers. The State government, according to the authors of the propaganda literature, was entirely in the hands of the Hindus and were determined to keep the Muslims in perpetual serfdom. The Anglo-Indian press, too, joined the Muslim press in maligning the Maharaja and his Government, in one way or the other.

In fact, the hidden hand of the "Pertifidious Albion" can be seen behind many of these violent developments since 1930. The British authorities, apparently had never taken kindly to Hari Singh's assertive and Pro-nationalist attitude as was demonstrated during the first round table Conference in London in 1930. There, he observed on behalf of the Indian Princes.

"Allied by treaty with the British crown and within our territories as independent rulers, we have come with a full sense of responsibility to our State and all India. As the allies of British, we stand solidly by the British connection. As Indian we are loyal to the land of our birth. We stand as solidly as the rest of our countrymen for our lands enjoyment of a position of honour and equality in the British common wealth of nations"

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70 *Saraf Mulk Raj Fifty years of Journalism, P 72*

Thus Hari Singh declared himself, as an Indian first and an Indian last, much to the dislike of the Political Department. The observations of that sort convinced the British - Indian Government that Maharaja Hari Singh was not a prince to toe their lines. They had already a bitter experience of his independent nature when on his accession, he withdrew many of the facilities the British Resident had been enjoying in the State.

On 29th April 1931, occurred an incident known as the Khutba in Jammu where during Id prayer, Khem chand, a Hindu Police officer, prohibited the Imam who was conducting Nimaz to stop the Khutba and thus disturbed the religious assembly of the Muslims. Meanwhile, on 4th of July, 1931 another incident followed which is known as Tohhin-i-Quran.[71] In the police line Jammu, a Hindu Police official Labha Ram alleged having shown disrespect to the holy Quran, which a Muslim employee was reciting in his room. The reports of these incidents spread like wild fire, throughout Jammu and Kashmir and many protest meetings were held at several places.[72] Ghulam Nabi Gilkar instigated Sheikh Abdullah and the members of the Reading Room Party charging "Islam Khatre mein hai". In Kashmir Valley, the Muslims were staunch followers of the Mirwaiz Ahmed Ullah, the chief preacher of Srinagar. They refrained from activities of Muslim Conference of Lahore, against the Maharaja on his advice. But then the old Mir Waiz died and the new Mir Waiz Yousaf shah was in full sympathy with the Muslim Reading Room Party. It was not difficult to organize longer meetings. Several mosques of Srinagar and other muffasil towns were addressed by the members of the Reading Room Party. Among them was a school teacher, Sheikh Mohammad Abdullah. He caught the imagination of the Muslim public and sought the patronage of Mir Waiz Yusuff Shah and his colleagues including Ghulam Nabi Gilkar. They arranged a mass meeting

71 *Saxena H L Tragedy of Kashmir, P 134*

72 *Govt. J&K General Political Record file No. 92 / 173 year 1931*

of the Muslims in the Jamia Masjid, Srinagar. This was perhaps the first political meeting in which thousands of Muslims participated. Sheikh Mohd Abdullah came to the dias and recited verses from the holy Quaran in a sonorous and melodious voice. He roused the religious passions of the Muslims and stirred their emotions against the Dogra rule. This brought him much popularity among the innocent, backward and religious Muslim masses. Within weeks, Sheikh became a hero of Kashmiri Muslims to lead the movement against the Maharaja. Meantime, Maharaja Hari Singh made an announcement on July 9, 1931 "If any of his subjects had any reasonable demand, he would receive favourable consideration." In response various groups submitted their memorandas. The important among them were the Dogra Sadar Sabha, the Mahajan Sabha and the Muslim Young Men's Association of the State, and All India Kashmir Muslim Conference, through Sheikh Abdullah. In the memorandum of July, 1931 submitted by the All India Kashmiri Muslim Committee an increase in the participant of the Muslims in the State administration was demanded. Sheikh organized mammoth meetings of Muslims in various mosques and delivered fiery speeches exposing and exaggerating the hardships of the Muslim masses. Communal tension reached a flash point and it needed just a spark to explode.[73]

The spark was ignited by the arrest and trial of one Abdul Qadir, the cook of a European visitor. Meanwhile, the Government of the Maharaja got enraged with political activities of the Sheikh. In order to remove him from the scene he was transferred to Muzaffarabad. The Sheikh wrote to the State authorities.

"I am, no doubt, a government employee, but it does not mean that I should remain quiet when my religion is defiled. I am like other Muslims, not ready to tolerate any sacrilege of my religion. I will always protest against those officials, who

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73 F. M. Hassnain ***Freedom struggle in Kashmir,*** *P 41*

are responsible for this defilement. I have not sold my conscience for the petty salary, which I get as a Government servant. It is my duty that I try to do something for the moral uplift, social advancement and economic betterment of my people, countrymen and co-religionists." Meanwhile, Sheikh Abdullah sent his resignation to education authorities and plunged himself into politics.

The Government on the other hand, instead of accepting his resignation, dismissed him from service in July, 1932. At the same time the head of Ahmed Yar Muslims, Mirza Bashir-ud-Din Mehmood issued the following Statement :–

"For the past many years, I have been studying the condition of the Muslims in Kashmir and have come to this conclusion that until they rise to offer sacrifices nothing would be achieved for their betterment. The Kashmiris can make their country an industrial centre and thus remove traces of poverty. They can build factories in the Valley and save themselves from economic ruin. All of us, whether belonging to upper or lower strata, must join to tell the Government of the Maharaja that we are all one and united, that we all stand behind the Kashmiri Muslims, and that we will, in no case, tolerate any injustice to our Muslim brothers and sisters. I feel this is the opportune time for a struggle for freedom for the Muslims of Jammu and Kashmir State."[74]

In order to elect representatives of the Muslims the Young Men's Muslims Association convened a public meeting on 21st of June, 1931 at the Khanqah-i-Mualla. The meeting was addressed by Sheikh Abdullah asking all Muslims to join and demand their right. He also appealed to the Pandits to join hands with the Muslims for the redress of their grievances as well as for independence.

Mir Waiz Moulvi Yousaf Shah, declared that they were one and must join in the name of Islam and struggle for various rights of the Muslims. Just when the meeting was concluded,

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74 Ibid, PP 42

Moulvi Abdul Qudder Khan Ghazi went to the platform and delivered an inflamatory speech, which was considered sedition by the government. Excerpts of the speech are as under :–

"The honour, respect and reverence of the holy Qüran is more dear to the Muslims than the rulership of the world. They will never tolerate any interference in their religion or defilement of their holy book. The Government of Maharaja does not care for his subjects. It has no touch with the people nor any sympathy for the downtrodden. Oh Muslims arise! Time is near when you shall reply with stones against the bricks. I warn you that your representatives and memorials cannot come to your rescue, nor will these papers remove injustice and misery. Such things cannot solve the issue relating to the defilement of the holy Quran. You must stand on your legs and fight against autocratic force. Even if you have no arms, continue your fight with sticks and stones". Pointing towards the Shergarhi palace of the Maharaja he cried :

"Demolish this edifice of injustice, cruelity and subjugation"

Abdul Qadeer Ghazi was arrested on 25th of June, 1931 and under the order of the Maharaja, offences under section 124-A and 153 of the Ranbir Penal code were made triable directly by the court of Session Judge, on the 4th of July 1931. The trial of Abdul Qadeer inside the Jail greatly excited the Muslims and huge crowds assembled within and outside the court on the days of hearings.[75]

Maharaja Hari Singh got perturbed at turn of events and on 9th July 1931, issued the following appeal to the people: -

"From the time immemorial, all communities within the State have been living on terms of the closest harmony and friendship with each other and I used to take the greatest pride in the fact that we were happily free from all communal strife. I am, therefore, greatly pained to see that quite recently, owing to the external influences, a changed and regrettable attitude is

75 Ibid, PP 43

observable in certain sections in the cities of Jammu and Srinagar. This is greatly to be deplored. Two unfortunate incidents which occurred recently in Jammu city and which could not by any stretch of imagination be associated with any action or policy of my Government and for which the responsibility rested solely on the persons involved, have been seized upon and widely misrepresented inside and outside the State, so as to convey to those who are not in a position to know the true facts that the policy of my Government is such that Islam is in danger.

"At the beginning of my rule, I announced to you my people, that my religion is justice, and merit alone will be considered the deciding factor for all types of employment. Caste, creed, religion or sex will receive no consideration. That announcement has guided all my public acts and policies and I shall always adhere to it. I have not made, and will not permit, any discrimination against any class of my people on the ground of religion. I have no desire whatever to suppress the legitimate requests and voice of my people, whether expressed in writing or in speech. It is my intention to give effect to these views, but I am unable to do so as long as communal tension exists, for fear of aggravating it. Consequently, the first essential is that the leaders of various communities should take immediate action to put a stop to all political activities tending to prevent the re-establishment of the friendly relation between them. I cannot allow my Government to be coerced by threat into unjust action and it is my duty to protect the law-abiding section of my people from encroachments on their lawful rights. The immediate burden of maintaining law and order necessarily falls on the magistracy and the police whose duty will be to see that law is upheld at all costs and where the law is defied, its authority will be restored. As regards people outside the State whether Hindus or Mohammandans I ask them not to interfere in any way in matters concerning British India and British Indians. The whole

basis of the political unit interferes in the domestic concerns of another."[76]

The appeal of the Maharaja was rejected by the Muslims and in a mammoth meeting held in the Jamia Masjid on 10th July 1931, Sheikh Abdullah said: -

"Maulana Abdul Qadeer Ghazi was being prosecuted for the cause of Islam and for the Muslim masses. We all should pray for his acquittal. We must show our complete solidarity with him. Be prepared to sacrifice for the sake of Islam. Be prepared to sacrifice for the sake of helpless prisoner, Abdul Qadeer Khan. Raise subscriptions for his defence."

On July 13, 1931 when the court was in session a crowd of five to six thousand people gathered outside the jail and raised slogans "Allah-ho-Akbar" "Islam Zindabad". "Abdul Qadeer, our brother from Raibareli, zindabad." The mob was in an excited State; Broke the iron gate and entered the jail premises to have a look at Abdul Qadeer. The angry crowd started pelting stones at the policemen posted there, who had to fire in the air to disperse the mob. The first Kashmiri who was hit by bullet and died was Khawaja Abdul Khaliq Shora and the first agitator to be arrested on the 13th July, 1931 at Central Jail was Khawaja Mohammad Yahya Rafiqui. In police firing the total causalities reported were 21. For two hours, the city of Srinagar remained without any authority and law and order was in the hands of none.[77]

Against the police firing, Muslims retaliated, committed loot and arson and killing some and injuring other non-Muslims in Srinagar city and other rural areas of Kashmir Valley. Not only this, but in Poonch Jagir and Mirpur districts also the Hindu money lenders were massacred in large number and their property was plundered. During this turmoil many non-Muslims had to migrate to safer places in order to save their lives and honour. The Muslims and the popular Government of

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76 *Prof. M. L. Kapur, Maharaja Hari Singh, 1995, P 52*
77 *F M Hassnain Freedom struggle in Kashmir, P 47*

the State observe 13th July every year as the Martyr's day whereas the Non-Muslims murmured that 13th July in the year 1931 was the day of their holocaust.

After the jail episode, Sheikh Mohammad Abdullah, Sardar Gohar Rehman Chowdhari, and Ghulam Yaqub Khan Ali Chowdhary, were arrested during the night, between 13 and 14 July 1931. All except Sheikh Mohd. Abdullah were from Jammu. As a protest, the majority community in Kashmir Valley observed hartal for 19 days. Henceforth, the Muslim population in Kashmir had been raising slogan against the Maharaja as:

"Harisinghun bauel, khudayan gool!" means let the progeny of Hari Singh perish.[78] Basically, the Hindu subjects were also helpless as the Muslims were. The Hindus were themselves craving for concessions and basic rights and majority of them were not the source of authority, nor givers of the concessions or the rights. To sum up the suffering subjects, whatever community and religion they belonged to, had a common cause to fight for and a joint ground to achieve their rights as citizen of the State and not as Hindus or Muslims. In order to improve their economic condition they had to forge a joint front against ruler from whom the benefits and concessions could flow and who alone could confer the rights upon his subjects. This was realized by the leadership of all the communities and a need for a common platform to ventilate publically their grievances and to press their demands regardless the community or religion, was imperative. It opened new vistas for negotiations among the leaders of different communities for evolving a common programme and setting up a common platform for fighting the "Kashmir Darbar" to obtain the Basic Civil rights.

The ball was set rolling by some leaders of the Hindu minority of Kashmir Valley who were connected with a major Hindu organization-Sanatan Dharam Yuvak Sabha, Srinagar as it was then called. They took initiative and approached Sheikh

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*78 **Ibid**, PP 51*

Mohammad Abdullah to fight against the Maharaja's administration jointly, for securing the civil rights. The Sheikh and some other leaders of Muslim Conference found substance in the argument of Hindu leaders and showed an inclination to work together. Even the Muslim Young Men Association of Jammu reorganized themselves and they were mostly guided by cadres from Qadian.

In the last week of the July 1931, the Government of India took a serious view of those developments and instructed the Resident to inform the Maharaja of those happenings in the State which had evoked deep concern all over the country. In response, Maharaja instituted a commission under the chairmanship of Barjor Dalal, the Chief Justice of the State High Court, to enquire into the circumstance leading to the jail firing and in a letter explained to the Viceroy the genesis of the entire crisis. Muslims, however, boycotted the Dalal Commission.[79]

On 1st of August, 1931, the resident conveyed to the Maharaja the Muslim demand for an impartial British enquiry and advised him to meet a Muslim deputation from the Punjab which had sought to wait upon him. The proposal were promptly turned down by the Maharaja. He had, by now, sensed the intention of the Government of India and had come to know that the official of the Residency and some of the senior British officials in his Government, including Wakefield, were involved in a plot to undermine his position. Wakefield, was dismissed and the new Prime Minister, Hari Krishan Koul started negotiations with the Muslim leaders and an agreement was reached between the Government and the Muslim leadership on August 26,1931. Accordingly, the Muslim leaders undertook to suspend the agitation and to present their grievances to the Government, while the Maharaja undertook to release all political prisoners and to withdraw cases against them. But this was not to the liking of the members of All-India Kashmir

79 *F. M. Hassnain,* ***Freedom Struggle in Kashmir***, *P 52*

Committee, as the Kashmir Muslim Conference of Lahore had come to be known by now. They feared that the control over the agitation was slipping out of their hands. Accordingly, they geared their propaganda machinery to denounce the truce. Sheikh Abdullah, in his youthful zeal, launched another agitation on Sept. 20, 1931 in violation of the truce agreement and he was promptly arrested. The agreement was short lived. On September 21, 1931, the Muslim leaders at Srinagar were arrested for delivering inflammatory speeches and the Muslims swung back into severe and violent reaction. An underground Committee called "War Council" Was constituted to direct the agitation and massive demonstrations were launched all over the province. The Government struck back and at a number of places troops had to open fire on angry demonstrators. The Govt. of India took a serious note of what was happening in the State and the Maharaja was warned of the possibility of Muslim Jathas and volunteers being dispatched to the State from outside in support of the Muslims of the State. The Jammu and Kashmir Government lacked confidence to cope with the situation and sought the help of British India authorities in restoring law and order in the State. The fear of Russia always haunted the British Government of India and they shaped their policies accordingly.

The upheaval in Kashmir provided the British Government an opportunity to obtain Gilgit and adjoining areas from the Mahaıaja. On the other hand Maharaja had his own compulsions. The secret deal between the Britishers and the Maharaja changed the attitude of British Government towards the Kashmir agitation. The British diplomacy killed two birds with one stone, as on one hand they appeased the Muslims by sending Colvin as the new Prime Minister in place of Pandit Hari krishan Koul and secondly they responded to the request of Maharaja by sending troops which entered in the State on November 3,1931.[80]

While the commission under the chairmanship of Barjor Dalal was conducting its inquiry into the jail firing, each

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80 *Ibid*, *P 64*

community was voicing its grievances. Sensing the desire of the masses, the Maharaja announced the appointment of a Commission on November 12,1931 to go into the grievances and complaints of the different communities in the State, a British officer, Bartraned. J. Glancy who earlier had served the State, was appointed chairman of the Commission. Beside a Kashmir constitutional reforms committee Conference. The Conference consisted of two official and twelve non-official members representing various communities of the State. Out of the fourteen members, seven were Muslims and the remaining seven represented other communities. This Reforms Conference started functioning from March 14,1932 and had 14 sittings.

All the fourteen members participated in the deliberations of the Committee with the exception of Choudhary Ghulam Abbas of the Muslim Conference. According to him, the Muslims who formed the majority of the State's population were treated at par with the minority communities. The sole Pandit member, P N Bajaj who had already worked with Glancy on the grievances commission against the wishes of his own community, was retained on the Constitutional Reforms Conference. In spite of repeated protest from the Pandit community, Bajaj did not resign and the community, out rightly rejected him as their representative. No representation was given to the peasants, the commercial classes, workers and labourers. In the absence of these important elements the constitutional reforms Conference lacked a genuine democratic and representative character.

On the other hand the Grievances Enquiry Commission comprised four non-official members representing the Muslims of the State, the Hindus of Jammu and the Kashmiri Pandits. True to the policy of Divide and Rule, Bertrand Glancy took upon himself to justify the existing imbalances and thereby sharpened the conflict between various religions and regional denominations in the State. The Commission recommended the abolition of *Malikana*, the grazing taxes or kahcharai, relaxation

of the rules regarding cultivation of the State-owned waste land, the rights of the owners to cut walnut, chinar and mulberry trees from their lands, obviously, with the sole object to benefit the *jagirdars* and other privileged classes, without giving any relief to the majority of the peasants holding land under tenancy of the landlords or working on it as landless labourers. In regard to grazing tax or *Kahcharai* at fixed rate the recommendation of the Commission was accepted and fixed *Kahcharai* was suspended in the seven Tehsils namely Jammu, Samba, Aknoor, Kathua, Jasmagarh, Mirpur and Bhimber. Besides, the fixed *Kahcharai* demand in the case of *Dhars* in Jammu province was discontinued since the same was not levied in the Kashmir province.[81] The commission also recommended that all the vacancies in the State service should be properly advertised and steps be taken to ensure that all communities receive their fair share of the government appointments. In case of local appointments the Commission recommended that the local inhabitants of the district concerned should be recruited as far as possible. It was also recommended that proper payment be made for *Kar-i-Sarkar* i.e services rendered to the State Government. The procedure for State subject certificate was simplified. The Commission recommended that the butcher's shops would be closed on Ram Naumi, Janamashtami, birthday of the Maharaja and Heir Apparent. Besides, no fee would be charged for the slaughter of goats etc. on the occasion of the Id-ul-zuha or any other occasions on which such slaughter might be required for the purpose of religious observance.[82]

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81 *Recommendation of Glancy Commission, 1931*
82 *Ibid*

CHAPTER–IV

UNREST IN KASHMIR (1931-38)

The Maharaja appointed the Commission under the chairmanship of B.J.Glancy on 11th November, 1931 and it submitted it recommendations to the Maharaja on 22nd March, 1932 while the Maharaja passed orders on the recommendations on the report of the Commission on 10th April, 1932 notified by colonel E.J.D Colvin, the then Prime Minister of the State. The following orders were passed by the Maharaja:-[83]

1. Religious

(i) That the recommendations of the Commission in respect to the restoration of sacred building etc should be strictly carried out. The *Madin Sahib* shrine at Srinagar, should be handed over to the representatives of the Muslim community duly endorsed by the Anjuman Islamia on behalf of the Shia community

(ii) That the Khanqah Sufi Shah at Jammu and the Bahu mosque should be restored to the Muslim community.

(iii) That there should be no interference with religious observance.

(iv) That all officers concerned should make it their duty to see that the severest notice is taken of any provocative action of insult to religion, irrespective of the community, to which the *delinquent belong*.

(v) That attempt on the part of the police or any other official or non-officials to harass those who have changed or intend to change their religion, should be sternly discouraged.[84]

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83 *Glancy Commission Report, P 9 - 18*

84 *Dr. A. S. Anand, The Constitution of Jammu and Kashmir, 2004, P 28*

2. Education

(i) The Education Department should devote its attention to the expansion of Primary education.

(ii) That steps should be taken to increase the number of Mullahs and Arabic teachers and the unnecessary transfer of Mullahs, as in the case of all Village teachers, should be avoided.

(iii) That the department should see that the education imparted in the Village school is such as to equip the pupils for their parental occupation.

(iv) That the Department should draw up programme in regard to Middle and High schools and further expansion in this direction should take place.

(v) Special Mohammadan scholarships should be equated in value with merit scholarships and effect should be given to the Commission's proposal in matter of free studentships, orphanage scholarships etc.

(vi) The number of Muslims employed as Teachers, Inspectors and clerks in the Education Department Secretariat should be increased as soon as possible.

(vii) A special Inspector for the promotion of Mohammadan's education should be appointed and should work independent of provincial inspectors.

(viii) The Governor of Jammu should report whether there is any objection to the allotment of the Gandoo-Di-Chawani site for construction of Islamia High School.

3. Services

(i) Minimum qualifications for appointment should not be pitched unnecessarily high.

(ii) Muslims, who form the great majority of the population and are inadequately represented, should be given a greater share in matter relating to the employment in State services.[85]

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85 Ibid P 19 - 25

(iii) The policy of His Highness's Government in the matter of reserving State appointments for State subjects, should be adhered to as for as possible.

(iv) Measures should be taken to provide a system of appointments and machinery for supervising that system in such a way as to prevent the due interests of any community from being neglected.

(v) All vacancies should be effectively advertised and similar action should be taken in regards to scholarships intended to provide equipment for Government services.

4. Land Revenue

(i) Proprietary rights should be conferred in respect to all lands of which the ownership is now held by the State and occupancy rights are enjoyed by private persons.

(ii) That the recovery of the State *Malikana* should be discontinued throughout the State territories. In the matter of *Nazrana*, the Revenue Minister was asked to put forward proposals as to the amount to be charged which should be moderate in all the cases.

(iii) Action should be taken to define the inter provincial boundary for the purpose of *kahcharai* collection, and no Kahcharai payments should be demanded from the butchers and other persons when they bring goats and sheep within the Municipal limits for purpose of slaughter.

(iv) In matter of trees, no restriction should be imposed on the cutting of walnut trees, mulberry trees on land held by the agriculturists. In regard to mulberry trees, preference should be given to land-holders on whose land such trees are standing when seed is distributed by the Sericulture Department.[86]

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86 Ibid 19 - 25

(v) In all cases in which it may be found necessary to acquire agricultural land for the State, those dispossessed, should, where practicable, be allotted similar land elsewhere.

5. Miscellaneous

(i) All officers should be warned that corrupt practices are not to be tolerated and exemplary punishment should be awarded to the erring officers.

(ii) All officers, must make it their duty to see that the payment is made in full for the services rendered.

(iii) Agriculturists should be afforded every facility for protecting their crops from the depredations of wild animals.

(iv) Improvements to Srinagar city in the matter of drainage and the widening of the streets should continue to receive attention. The provision of a proper approach road to the Muslim cemetary at Jammu should be duly considered.

(v) Active steps should be taken to combat the disease known as "San Jose scale" which has for many years been ravaging the orchards of Kashmir.

(vi) The practice of recovering Dharamath dues in kind should be replaced as soon as practicable by cash recoveries in all cases.

(vii) No individual distribution shall be permitted by the State in the case of tanks for bathing places or drinking places which are of public nature.

(viii) The infant marriages should be prevented and no harassment and abuse should be adopted.[87]

The President of the Constitutional Reforms Conference, Mr. Glancy, recommended an unwieldy legislative Assembly comprising 60 members of whom 33 to be elected 22 nominated and five appointed by the Maharaja. It was also recommended that the tenure of the proposed Assembly be of three years and

87 *Ibid* 19 - 25

it should meet twice a year, in Autumn at Srinagar and in Spring at Jammu. It was further recommended that the Assembly should be presided over by the Prime Minister or any other Minister as may be nominated by the Maharaja. The Assembly was proposed to be vested with the powers to legislate on all the subjects except foreign relations and the control of the Armed forces. It was also recommended that powers be reserved in the Maharaja to certify any bill.

Glancy, held the opinion that approximately 10 % of the total population could form a general basis for franchise. It was suggested by the Conference that a Franchise committee be appointed to prescribe the qualifications for conferring rights of voting in the Assembly. As regards the establishment of a legislative in the State the Muslims had already demanded that. The Pandits had also expressed their desire for the establishment of a Legislative if "It was not corrupted by the cancer of communalism" Their main anxiety was to see that any constitutional scheme should guarantee the rights and interests of the minorities. The non-Muslims of Jammu and the frontier districts doubted the priority of an early establishment of a legislative on the grounds that the political condition in the State was unstable and radical changes would not be wise "until the Government have asserted the majesty of law and sound means for protecting the lives and property of the minority communities". When there was no unanimity among the members of the Reform Conference over the composition, functions and powers of the legislative Assembly, Mr. Glancy made his own recommendation regarding the proposed Constitution.

It was proposed that a population of hundred thousand should be represented by one representative so that 33 directly elected members were proposed for the entire State including Gilgit and Ladakh. The election to the Legislative Assembly was to be on communal lines, because joint electorate was thought to be a dangerous experiment. The principle of

weightage was adopted to safeguard the interest of the minority communities. The Constitutional Reforms Conference also made recommendations for constituting the Franchise Committee to examine the proper qualifications of the voters. However, various qualifications had been suggested in this regards. For instance, the views given in the respect of land revenue qualifications varied between Rs 10 and Rs 50 payment per annum; in respect of immoveable property Rs 500 and Rs 2000 in value and in regard to educational qualifications between middle pass and graduate standard. Financial status was proposed to be the basis for the franchise and recommendation was made for exclusion of women, persons below the age of 21,insane, discharged, bankrupts or insolvents, person convicted by the criminal court for a term exceeding six months and persons who were not State subjects were also excluded from the right to vote.

Taking into consideration the report of Kashmir Constitutional Reforms Conference and the recommendations of the Franchise Committee appointed by the Maharaja on May 31,1932; the Maharaja promulgated the constitution Act of 1934 on 22nd April 1934. The Act provided for the establishment of the Legislative Assembly on the pattern of Morley-Minto model with the object of identifying the people with the administration. In other words, it recommended a Council with a non-official majority, which would pass legislation, ask questions, discuss budget and pass resolutions. The regulation no 1 of *Samwat* 1991 Bikrami i.e. (1934 AD) provided for the establishment of the Legislative Assembly for the State, called the '*Praja Sabha*'.[88]

Praja Sabha at work, September 1934-April 1939

The Praja Sabha was inaugurated by Maharaja Hari Singh on September 17,1934 at Srinagar to reflect the popular interests and aspirations and to guide the administration of the State in that light. The Sabha was to consist of 75 members.[89] It had

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88 *Census of India, 1941, Vol XXII, P 5*

89 *Dr. A. S. Anand, The Constitution of Jammu and Kashmir, 2004, P 30*

thirty-three elected members and forty-two nominated members. The thirty-three elected members comprised 21 Muslims, 10 Hindus and 2 Sikhs. Thus it was clear that in the convened Assembly the recommendation of the Commission for an elected majority was replaced by an official majority. This was the first step to hoodwink the people. The franchise was limited. It did not cover more than 3 percent of the population. Women were altogether excluded from voting. Illiterates were not entitled to vote. The literate vote consisted mostly of the lawyers, Medical practitioners, pensioned officers, titleholders, village and district headmen, priests and managers of religious property. No person who did not have a yearly income of Rs 400/- or more could vote.[90] Under section 3 of the Regulation, Maharaja Hari Singh fully reserved in himself all of his pre-existing legislative, Executive and Judicial powers. Section 30 of the Regulation lay down that no measure would be deemed to have been passed by the Praja Sabha until and unless His Highness had signified his assent thereto. The Regulation left it to the absolute discretion of His Highness to assent thereto. The regulation left it to the absolute discretion of His Highness to assent such a measure or not. A vote of the Sabha was not binding on the Council of Ministers and the Council had power to reject any bill or resolution. The Sabha was only a recommendatory body subject to the control of the Council of Ministers. The Council of Ministers was responsible to His Highness and not to the Sabha. Any bill effecting Public revenues, maintenance and discipline of His Highness troops and Privy Purse could not be introduced in the Sabha, as all these matters were reserved subjects.

Elections were held to the Sabha in 1934 and in the first election ever held in the State of Jammu and Kashmir, the Muslim Conference which had been formed in 1932 after the Maharaja had granted freedom to press and platform under the leadership of Sheikh Mohammad Abdullah, captured 14 out of the 21 seats.

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90 Maharaja Hari Singh ***Inaugural Address, delivered to Praja Sabha***

The first session of the Jammu and Kashmir Legislative Assembly met at Rajgarh Palace at Srinagar on Wednesday, October 17,1934.

The proclamation of the Maharaja which was read to the members of the Sabha by Colonel Colvin, the Prime Minister of the State read.

"For our part we declare the Divine Providence having laid upon, is the sacred duty to care equally for all those committed to our guardianship, we can recognize no difference between one person and another or between one class and another. They are all our beloved children, whatever their persuasion or creed, and we desire to protect, foster, guide and advance them by every means in our power.[91] Out of the great love and affection we bear for our beloved subjects, we have called you to do your part in working for the well being of the State. We have appointed your task and indicated the lines of service you can render to yourself and to your ruler, whose ordained duty is to safeguard and promote your best interests. We desire you, to enter upon the discharge of your responsibilities in such a way that your behaviour may be an example to others and your achievements at once a model for them to emulate and a monument to your own earnestness and your loyalty to the State that you serve."

The Jammu and Srinagar sessions of the Assembly usually began in March and September respectively of every year and those were usually referred to as the Spring and Autumn sessions. The credit of moving the first bill in the Praja Sabha went to the Prime Minister Mr. C. J. D. Colvin. He believed that the condition of the women in the Valley was very bad. For a long time the women of Kashmir were utilized for appeasing men's lust and were sold out of the State. Finding this immoral practice Colvin moved the bill for the suppression of traffic in women. The bill was discussed and appreciated by the members of the House. Pt. Amar Nath Kak proposed an amendment that the bill should be referred to a select committee consisting of

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91 *Ibid*, *P 31*

six members to examine it in details to see where any addition and omission was necessary so that the traffic in women could be suppressed completely in the State. This motion of Pt. Amar Nath Kak was carried by the House.

In the same session Lala Amar Nath Kohli (Jammu city North) proposed the deletion of section 7 of the Infant Marriages Regulation of 1928 by which offsprings of infant marriages were deprived of their proprietary rights. The President referred the matter to the House for voting to ascertain their views regarding the deletion of the proposed section and it was carried. Therefore, on October, 31,1934, the bill was referred to a select committee consisting of V N Mehta (Revenue Minister), Ram Chandra Dubey, Mian Ahmad Yar, General Janak Singh and Afzal Beig.[92]

In the Spring session at Jammu the bill was debated in the Assembly when Sardar Budh Singh spoke against it that section 7 of the Infant Marriages Act was to be valid except for the right of succession and inheritance. Various other leaders delivered their speeches for and against the motion. The President declared that the matter would be decided by vote and the amending bill of Kohli was carried by fifty-six against twelve votes, three unknown members of the House remained neutral. The Muslim Conference group was angry over the passing of the bill.

Besides, this, another Pre-Exemption bill that the land should be withdrawn from the landlords, was moved by Mian Ahmad Yar (Muzaffarabad) the Deputy leader of the Muslim Conference in the Assembly. Most of the bill moved by members of the Assembly were connected with income and expenditure. Therefore, the Government mostly disallowed the proceedings of those bills.

Moulvi Mohammad Abdullah, (Srinagar city Muslim) in his speech, stressed the need of passing that resolution. He

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92 *The Jammu and Kashmir Praja Sabha Debates (Srinagar Session) 1st session of the 1st Praja Sabha dated October 31, 1934*

added that landlords were not aware of the full development potential of their land. To meet the growing problem of unemployment the surplus land with them should be distributed among the landless youths.

Pandit Amar Nath Kak (Srinagar city, North) however, opposed this resolution and told the House that the Jammu and Kashmir landlords were aware of their proprietary rights and therefore, such a resolution should not be considered in any case. The Revenue Minister V K Mehta in his speech declared that the Government opposed the resolution. On that issue Mian Ahmad Yar critised the Government for opposing their resolution instead of expressing sympathy with their measure. Therefore, he along with twelve other members of the Muslim Conference walked out. Voting took place in the absence of Muslim Conference members and the motion of Mian Ahmad Yar was defeated by fifty-four votes, three members remaining neutral.[93] It was for the first time that such a conflicting situation was created in the Assembly of Jammu and Kashmir resulting in walk-outs.

Meanwhile, during this session a very harmonious situation developed when Mirza Afzal Beig (Anantnag) introduced the Village Panchayat Bill. The Bill was discussed by various members of the Government and the opposition and was passed without the slightest opposition. It reflected that those leaders were largely influenced by the principles of humanitarianism and pressurized the Government to ameliorate the condition of the peasants. However, that harmony did not last long.

In the Autumn session on October 26, 1935 Pandit Gobind Ram Kabu (Kashmir Hindu constituency) moved a resolution to increase the grants for irrigation. Malik Gulam Hassan, (Kulgam Muslim) supported the resolution on the ground that the peasants of Kashmir had filled the treasury with their hard-earned money but the Government did not provide them even

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93 ***Ibid***, *2nd Session of the first Praja Sabha, Spring session (Jammu) dated March 30 to April 11, 1935*

a half of which was their due. Sardar Budh Singh (Mirpur Poonch), Mian Ahmad Yar and Gulam Mohi-ud-din Khan (Srinagar city), also supported the resolution. However, the Government opposed the resolution on the ground that existing canals in the Valley were already incurring a loss. The resolution was rejected by forty-five members voting against the twenty in favour of it.

In Autumn session on October, 1935 Ch. Chatter Singh (Jammu rural) also introduced a bill proposing that sufficient money should be provided in the budget every year to improve the means of drinking water until the scarcity was removed. He also expressed his grievances that the Government was spending more and more in Kashmir province and proper attention was not paid to Jammu province.[94] He brought into the notice of the members that the Government was discriminating against the people of Jammu province who were great warriors and fought for the extension of the border of the State. He further asserted that Kashmir had always caught the eyes of the rulers whoever he might have been.

In the meantime, Sardar Budh Singh proposed an amendment that a sum of Rs 2,00,000 should be provided in the current year budget and Rs 1,00,000 should be provided for each Tehsil of the *kandi illaqua* in the subsequent Year's budget until the scarcity of water was removed.

The amendment proposed by Sardar Budh Singh was not supported by anybody in the House. Lastly, V N Mehta, the Revenue Minister, delivered a speech in which he accepted that the demand of Chatter Singh being genuine, needed to be accepted and thus the bill was passed.

In the Autumn session on Oct 5, 1936, the Finance Minister opposed Mirza Mohammad Afzal Beig's resolution recommending to the Council of Ministers the reduction of salaries by 50 percent of the amount in excess of Rs 500/- per

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94 The J&K Praja Sabha Debates, 3rd session of 1st Praja Sabha, Srinagar session 26 October 1935.

month. He suggested that money thus saved could be spent on opening schools and hospitals and on construction of roads. Since all executives were themselves drawing salaries more than 500/- per month, the bill had to face a strong opposition. On that issue all the members of the liberal group, Muslim Conference, Kisan Party and other non-party members staged a walkout. The members of the Muslim Conference threatened the Government with dire consequences if no heed was paid to the resolutions. The warning went un-heeded. The Finance Minister, strongly opposed the resolution dubbing them as Congressmen and the socialists and declared that such a policy was impracticable.

The relations between the Executive and the Legislative were strained during the session. Meanwhile, the leader of the Kisan Party, Sardar Budh Singh, the Muslim Conference Mian Ahmad Yar and Ram Chandra Dubey of the liberal group on the issue of grazing tax walked out of the House. On Oct 29, 1936, the members protested against the policies of the Government which led to boycott the budget session. Different members of the House criticized the budget in different manners. Mian Ahmad Yar, leader of the Muslim Conference charged the Government and said, "Our voice in the Assembly is a cry in the wilderness." Moulvi Mohammad Abdullah Vakil named the budget, as "Carpenter's edge" According to Colonel Abdul Rehman the budget was the blood and sweat of millions of the people many of whom had been driven to suicide by poverty. As a protest Sardar Budh Singh resigned from the Assembly and charged the Government with "Breach of Faith." This was followed by the resignation of a few members of the Muslim Conference on November 8, 1936.[95]

In the Spring session of 1937, Mr.Jagat Ram Aryan moved the bill for constituting a Public Service Commission, which would consist of 4 officials and 9 non-official members. Further, out of those 9 non-official members, 4 members would be

95 *Editorial, The Tribune (Lahore) Nov 3, 1936, P 10*

Muslims, 3 Hindus, 1 Sikh and 1 Harijan. The representation given to the Muslims in the Public Service Commission was criticized by Mian Ahmad Yar on the ground that they formed the majority of the State's population and were given only 4 non-official posts. He demanded that the composition of the Public Service Commission should reflect the overwhelming Muslim majority in the population of the State. Later, the bill was put to vote but was defeated by 53 to 12 votes.

In the same session, Ch. Abdullah Khan moved the resolution that export duty on peddy should be permanently abolished so that landlords could sell their produce according to their best advantages. The Government opposed the bill and the matter was decided through voting. Many nominated members of the Government voted in favour of the resolution, which was moved by a Muslim Conference member. The Government exorted pressure on the members of the House to avoid the confrontationist path.[96]

During the same session Khawaja Mohammad Ali moved a resolution that "So long as communal representation in services is not made on population basis, all services be reserved for the members of that community which was not fully represented." In his written speech he shouted that the existing Government had done injustice to the Muslims in recruitment for the services, which had always resulted in indifference and discontent among the Muslims. He levelled charges that qualified Muslims had been ignored and less qualified non-Muslims were preferred. On that issue Pt. Amar Nath Kak proposed an amendment that the word "on population-basis" should be deleted and "on Merit-basis" should be substituted. The members of the Muslim Conference insisted that merit should be sacrificed and services should be given in proportion to the percentage of the population. Ultimately, the proposal was rejected by a majority of votes.[97]

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96 *The J&K Praja Sabha Debates 7th Session of the 1st Praja Sabha, October 23, 1937 (Srinagar Session) P 64*

97 ***Ibid**, dated March 29, 1938, P 48*

The first important resolution in the Spring session of 1939 was moved by Lala Dina Nath on April 3, suggesting that the teaching of Hindi be made compulsory for all Hindu boys and girls in Primary schools. He felt dejected over the decreasing number of Hindi speaking people in the State thereby inflicting a blow to Hindu culture.

Muslim Conference, opposed the resolution and Choudhary Abdullah Khan informed the members of the House that Hindi was being thrust upon the Muslim population of the State who had planned to bring the Hindus, Muslims and Sikhs on a common platform and to establish a responsible Government. Sardar Kirpal Singh condemned the attitude of the Muslim Conference and asserted "When a majority wants to destroy a minority community what he does is to spoil the language, culture and civilization of the latter." After considerable discussion the resolution was put to vote and was defeated by 25 votes against and only 23 in favour with 19 members staying neutral.[98]

However, before coming to the factors which led to the formation of Muslim Conference, it is worthwhile to mention. that Sheikh Mohd. Abdullah opened a Reading Room in a house at Srinagar on 9th May 1930. Obviously, the Reading Room was meant for books and newspapers reading but mostly the educated Muslim youths of the Valley used to discuss the current political affairs and the prevalent highhandedness of the "repressive" rule of the Maharaja. Later on, the Reading Room became the meeting point of young Kashmiri intellectuals who started thinking of forming a political platform for the protection of the oppressed people of Kashmir region.

Muslim Conference

Sheikh Mohd Abdullah, despite getting M. Sc. degree, failed to get suitable job and resolved to dedicate his life for the cause of people of Kashmir particularly the Muslims. Sheikh,

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98 The J&K Praja Sabha Debates, Vol I of the 2nd Praja Sabha (Jammu session) March, April, 1939 PP 46 - 47

went to Lahore and consulted many Muslim leaders including Dr. Iqbal the great poet. On their advice he convened a Conference at Pathar Masjid Srinagar from 15th of October to 19th October 1932. The Conference was attended by roughly 3 lakh people. Finally, on the concluding session the people resolved to establish the first political party of the State under the presidentship of Sheikh Mohd Abdullah, with nomenclature as "All Jammu and Kashmir Muslim Conference" The aims and objectives of the party were as follows :-

i) To struggle for the economic and cultural betterment of the Muslims.

ii) To organize the Muslims of the State and secure for them their rights.

iii) That the recruitment to the Administrative services should be made according to the proportion of the population of the different communities.

iv) That all the communities of the State should be allowed to be recruited to the State army.

v) That right to freedom of speech and expression should be secured by the people of the State.

vi) That the political prisoners should be released from detention.

The flag-hoisting ceremony was conducted by Waliullah Zain-ul- Abidin who declared as under :–[99]

"The Kashmiris, who were considered a dead nation, for three centuries have arisen again and are today a living nation. During the last year, they have offered great sacrifices in their struggle for people's demands. The whole world is amazed to see that a nation which was considered uncivilized, has again found its place in the community of nations. Today, with the hoisting of this green flag with cresent, opens a new chapter in the history of Kashmir. As such it is the duty of the Kashmiris to see that it remains hoisted always. This flag of the Muslim Conference is the harbinger of love, peace and brotherhood

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*99 F. M. Hassnain, **Freedom struggle in Kashmir,** P 77*

among all the communities, living in the State and it is the guarantor of peace, progress and happiness of all the subjects of the Maharaja."[100]

On the occasion of the inauguration of the first session of the Conference Sheikh Mohammad Abdullah spoke as under:-

"The Muslim Conference is not a communal organization and its existence will prove beneficial to all the communities, living in the State. We have declared it at the outset of the struggle that the Kashmiri Movement is not a communal movement, but for the redressal of the grievances of all the people. I assure my Hindu and Sikh brothers that we are ready to remove their sufferings as we have done in the case of the Muslims."[101]

The Conference adopted several resolutions demanding immediate action on the recommendation of the Glancy Commission. A committee consisting of Chowdhary Gulam Abbas, Khawaja saad-ud-din Shawl, Agha Syed Hussain Jalali, Moulvi Abdullah Vakil, Mian Ahmad Yar, was constituted to approach the minorities, such as Pandits and the Sikhs so as to seek their support in the freedom struggle. While the leaders of the Pandits community remained antagonists to the Freedom Movement, Sardar Budh Singh, one of the prominent leaders of the Sikh community, established close relations with the leaders of the Muslim Conference.

Mir Waiz Moulvi Yosuf Shah, who could not tolerate the emergence of Sheikh Abdullah as the sole leader of the masses, now thought of organizing new political organization under his leadership. He condemned the Muslim Conference leaders as Ahmedis and founded the *Azad Muslim Conference*. This organization had the support of the upper classes and traders among the Muslims. The net result was that the Muslims of the Valley instead of struggling for their rights, absorbed themselves in sectarian fights. Abandoning the real cause, the follower of

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100 Alfazal, 25th October, 1932
101 Ibid, PP 78

both the Conferences made attacks on each other. The masses got disgusted and Muslim Conference began to lose ground. It was at this juncture that the leadership realized its mistake in having alienated the support of the people. Having its base in Srinagar, the Muslim Conference organized its branch office at Islamabad, Baramulla, Sopore, Tral, Shopian and other towns.[102]

The second annual session of the Muslim Conference was held at Mirpur in December 1933, under the presidentship of Sheikh Mohammad Abdullah. He advised the Muslim to unite and asked the non-Muslims to support the movement he said:

"My struggle is essentially a fight for the betterment of the lot of the down-trodden, all over the State. The loss of rights is a loss to all, whether he is a Muslim or a non-Muslim. The Muslim Conference has fought for the right of the people and there is no discrimination between a Hindu and a Muslim. The proprietary rights, remission of taxes, freedom of press and platform, rights to organize associations and assembly have benefited all. As such I appeal to the non-Muslim that they should stand shoulder to shoulder with us so as to take part in the struggle for the emancipation of the people, freedom of the nation from the degradation, poverty and slavery. Our demands are not restricted to the Muslims only but are beneficial to all communities and individuals in the State. There is no reason as why Hindu should not join their Muslim brothers in this national front."[103]

With the attainment of the demands regarding formation of association, the other communities in the State began to organize themselves. The Kashmiri Pandits, who constituted 1.5 percent of the total population of the State being highly educated, had been the policy makers of the Maharaja. The Pandits had founded an association called the *Sanatana Dharama Youngman's Association* in 1925. Now they changed it into the *Sanatan Dharma Yuvik Sabha* with political aims.

102 Ibid, PP 79
103 Ibid, PP 79

While the Muslim youth continued the *Youngmen's Muslim Association* with Moulana Mohammad Syed Masoodi, another association called the *Anjuman Itihad-ul-Muslimeen* was founded by Khawaja Ghulam Nabi Gilkar. The Dogras of Jammu also organized the *Dogra Sabha* and the Sikh founded the *Khalsa Dal*.

The third session of the Muslim Conference was held at Sopore in Kashmir during November 1934, under the presidentship of Mian Ahmed Yar khan. After the session was over, Sheikh Abdullah visited Jammu where Sardar Budh Singh invited him to witness the pitable condition of the non-Muslims in the Jammu region. Budh Singh said:[104]

"I told him that the demand for the establishment of the responsible Government is a national demand and not a sectarian demand. As such rendering of help to every human being, uplift the down-trodden and fight against injustice, should be the aim of every religious man. What is needed is to serve all people irrespective of caste, creed or colour and lift them out of their misery, degradation and poverty. When Sheikh saw the miserable plight of the Muslims and non-Muslims, tears came to his eyes and assured that he would stand for the sufferers."[105]

The fourth session of the Muslim Conference was held at Srinagar in October 1935 under the Presidentship of Chowdhary Ghulam Abbas. He declared:

"The martyrdom of Kashmiris had given us new life. Whatever has been achieved by us is due to Muslim Conference and we have succeeded to a great extend in our mission. The Government is aware about our point of view regarding the reforms. Our demands are the only way to pave way for better relations and understanding between the ruler and the ruled. As such, I appeal to the ruler of the State to bestow, whatever he could do on his subjects. Why to keep it pending, when it is evident that people will keep their struggle alive, until they

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*104 **Ibid,** PP 83*

*105 Sardar Budh Singh, **Jagir Shahi-ka-Postmortem**, PP 107 - 108*

obtain their demands. In this Assembly the Government with the help of official members, has opposed beneficial resolutions regarding reduction in lands revenue and other measures useful to the public. Forgetting the sad experience of the past, I appeal to the non-Muslim brothers, in the name of the Muslim Conference that they should join hands with us." During the same year Mohammad Ali Jinah visited Srinagar. An address of welcome was presented to him on behalf of the Muslim Conference. He advised them to seek the support of the non-Muslims in their struggle.

The fifth session of the Muslim Conference was held at Poonch on the 14th of May, 1937 under the presidentship of Sheikh Mohammad Abdullah. The Conference demanded the introduction of educational facilities for rural areas and establishment of a university in the State. It also demanded establishment of a responsible government of the people, by the people and for the people. In his presidential address Sheikh Abdullah declared:-[106]

"We have demanded responsible assembly and independent administration from the beginning of the freedom struggle. Since the last year, the demand for a better constitution has not remained a demand of the Muslim majority population in the State but we hope that the poor among the Hindus and the Sikhs will also work shoulder to shoulder with us for the attainment of the responsible government. We must sincerely continue our efforts in that direction and bring it to the notice of the Hindu and the Sikh masses in the State."[107]

The sixth session of the Muslim Conference was held under the presidentship of Sheikh Mohammad Abdullah at Jammu during March 1938. Sheikh Abdullah in his presidential address said:

"Some Muslims erroneously think that all the 8 lakh non-Muslims living in the State lead a life of ease but they are

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106 F. M. Hassnain, ***Freedom struggle in Kashmir,*** *P 85*
107 Ibid, PP 87, 88

mistaken. Only a few thousand among them are prosperous while, all others, like you have suffered immensely at the hands of a irresponsible government and are also steeped low into deep ignorance, heavy taxes, debts and starvation. We do not demand responsible Government for 32 lakhs Muslims, but all the hundred percent State subjects. As such inviting the 20 percent Hindus, Sikhs, Buddhist and outcastes to join the struggle is of utmost importance. In my opinion, for building the national edifice on sound lines, two things are necessary, which are the soul of democracy, firstly in all political and economic issues, we must cease to think in terms of Hindus, Sikhs and Muslims and secondly we must build a common national front, by universal suffrage on the basis of joint electorate."

In May 1938, Khawaja Mohammad Umer Butt and Pandit R. N. Vaishnavi of the National Congress formed the National Platform in the State. A few progressive workers joined it but it remained primarily located in Srinagar. In the meanwhile, Sheikh Mohammad Abdullah had gone to Lahore and developed intimate relations with the progressive nationalist leaders of the Punjab. He was staying with Mian Iftikhar-ud-din, when Pandit Jawahar Lal Nehru arrived in Lahore, setting out on a tour of the North-West Frontier Province. Both of them met for the first time and Sheikh became so fascinated with Pandit Nehru that he boarded his Railway compartment and toured the whole of the North-Western Frontier Province with him.[108]

It was during the tour that Sheikh Abdullah developed intimacy with Khan Abdul Gafar Khan. Both Pandit Nehru and Sheikh exchanged ideas on the National and State politics. Pandit Nehru suggested opening of membership of the Muslim Conference to the non-Muslim, so that the campaign against Maharaja could gain more strength.[109]

Meanwhile, some prominent leaders among the non-Muslims came to the conclusion that it would be advantageous

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108 Ibid, PP 88

*109 F. A. Abba, **Profile of Abdullah,** PP 97 - 98*

to the platform of the Muslim Conference for projecting the sufferings of the Hindu masses. Prominent among those who came forward were Sardar Budh Singh, Pandit Prem Nath Bazaz, Pt. Jia Lal Kilam, Pandit Raghunath Vishnavi and Pandit Khyshap Bandu. At the same time some minor organizations like the Kashmir Congress, Kashmir Youth League, Mazdoor Sabha etc merged with Muslim Conference.

The leaders of the Muslim Conference Sheikh Mohd. Abdullah, Maulana Mohammad Syed, Khawaja Ghulam Mohd Sadiq, Mir Yar Ahmed, Mirza Afzal Beig and Bakshi Ghulam Mohammad along with five Hindus viz Pandit Prem Nath Bazaz, Pt. Jia Lal Kilam, Pandit Kashyap Bandhu, Pandit Sham Lal Saraf and Pandit Shambu Nath Peshin and one Sikh leader, Budh Singh compiled and published manifesto, which was known as the National Demand. It ran as follows:-

"As is now well known, there is a movement among the people of Jammu and Kashmir State to bring about a complete change in the social and political outlook of the people. The ultimate goal of this movement is the achievement of complete responsible government under the aegis of His Highness, the Maharaja Bahadur. Our movement is essentially a movement of peace and goodwill. Immediately it aims at securing the elementary and basic rights of citizenship. Our demands are modest, but they have the force of reason and justice behind them. Not that we are not conscious of our limitations, not that we are fully aware of the fact the Government knows its mind and has resources at its disposal to enforce its will. But In the soul-stirring words of Pandit Moti Lal Nehru: "However much we may be enfeebled in body, our souls has never been, nor will ever be, killed. Our movement has a gigantic urge behind it. It is the urge of the hunger and starvation, which proposes it onwards in most adverse circumstances to ever growing menance of unemployment amongst our educated young men and also among the illiterate masses in the country, the incidence of numerous taxes, the burden of exorbitant land revenue, the

appaling want of human life due to want of adequate modern medical assistance, the miserable plight of uncared thousand of labourers outside the State boundaries and in the face of all this the patronage that is being extended by the Government in the shape of the subsidies and others amenities to outside capitalists. The present condition can never be better as long if change is not made in the basic principles that are under line the present System of Government. We are therefore of the firm belief that the Government of His Highness should before long be modelled on the following lines:-[110]

(a) The present system of administration in the State shall be replaced by the responsible Government subject to the control and residuary powers of the Maharaja.

(b) The Ministry shall be responsible to the J & k legislatures and shall have power to control the expenditure and the revenue of the State.

(c) The principle of responsibility to the legislature shall be introduced in all the branches of administration of the Government, subject to general control, reservation and residuary powers vested in the name of Maharaja in respect of control of military, foreign and political affairs etc.

(d) The legislature shall consist entirely of members elected by constituencies formed on the system of adult franchise. Provision should be made for the representation of labour, trade, landlords and educational interests in the legislatures by means of election.

(e) "No subject of His Highness shall be liable to suffer in liberty, life, property or association and free speech".

In early 1938, the Working Committee of the Muslim Conference recommended to the general body that: -

"The time had come for mustering all progressive elements, standing for the achievement of the responsible

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110 Ibid, PP 89, 90

Government under the common flag and that step be taken by constitutional amendments to change the name of the organization, so that all people who are desirous of participating in the political struggle, may be able to join the Conference without distinction of caste, colour, creed and race"..

Thus a special session was convened on 10th and 11th June, 1939 under the presidentship of Khawaja Ghulam Mohammad Sadiq to get this resolution ratified by all the Conference members. The president said:

"This day will be written in golden letters in the history of the national awakening of Jammu and Kashmir. The decision which you are going to take is not being watched only by the Kashmir Government but by the whole of India."[111]

Foresights were expressed by the chairman of the reception committee, Moulana Mohammad Syeed:

"With high courage you have traversed long distance, with only one motive that the chain of slavery, which have made the people of heavenly Kashmir, the dwellers of virtual hell, may be cut. Truly enough you have come to lay the foundation of New Kashmir."[112]

It was on 28th June, 1938 that the Working Committee of the Muslim Conference met at Srinagar to discuss the issue regarding opening of doors of the Conference to everyone irrespective of caste, creed and belief. Some members of the working committee of the Muslim Conference, notably Bakshi Gulam Mohd., and Afzal Beig opposed the resolution But Sheikh's advocacy carried the day and the resolution changed the name of The *Muslim Conference* into *National Conference* was adopted.

The National Conference resolved to observe 5th of August 1938 as a protest day to demand Responsible Government in the State. The Maharaja felt uneasy at the new trend of events in the politics of the State. The Muslim masses who had

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111 Bhagwan Singh, Political Conspiracies of Kashmir, P 55
112 Sana Ullah Bhat, Kashmir (1947 - 1977) P 35

spearheaded the struggle were divided over the issue. On this day, a response to the call of the leaders mass meeting, had taken place in various parts of the State. The Maharaja set into motion his machinery of repression and imposed section 144 banning processions and meetings within the Municipal limits of Srinagar. Gopalaswami Ayengar, who happened to be Prime Minister of the Maharaja let lose a reign of terror on the people. A public meeting was addressed among others by Sardar Budh Singh and Sheikh Mohammad Abdullah at Amirakadal in Srinagar city in defiance of the imposed ban. Before the closure of the meeting, the stage was encircled by the police and all the prominent leaders including Sheikh Abdullah, Sardar Budh Singh, G. M. Sadiq, Moulana Masoodi and Pandit Kashya Bandu were arrested and kept inside the premises of Badami Bagh Military cantonment. The arrests of the leaders resulted into complete 'hartal' in various towns of the Valley. Protest meetings and demonstrations were held at different places in which seditious slogans were raised. During this period all India States People's Conference established its branch at Srinagar and took active part in the politics of the State.

The All India State People's Conference held its session at Ludhiana from 15th to 17th Feb. 1939 under the presidentship of Pt. Jawahar Lal Nehru.[113] It was a historic session in which representatives from every State participated. All leaders, excepting Sheikh Abdullah and Pandit Kashap Bandhu, were released by the Government out of released leaders, 34 members delegation attended the Conference at Ludhiana.

The Kashmiri leaders informed the delegates about the National Demand. The Conference adopted the responsive Government demand for all States. It gave a moral boosting to the demand of National Conference. Sheikh Abdullah was released on the 24th Feb, 1939 from the Kathua jail of Jammu region.

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*113 Santosh Koul, **Freedom Struggle in Kashmir,** P 49*

Later on, in the same year Sheikh Abdullah led a delegation to the annual session of the All India National Congress at Tripura. He was accompanied by Pandit Kashap Bandhu, Pt. P N Bazaz, Moulana Massodi and Bakshi Ghulam Mohammad. In this way the State leaders came into direct contact with the foremost nationalist political organization in the country. At this session the Kashmir leaders got an opportunity to meet personally and discuss their problem with the leaders such as Babu Rajindra Prashad, Maulana Abdul Kalam Azad, Dr. Syed Mehmood, Sardar Patel and others including Pandit Jawahar Lal Nehru and Jai Prakash Narayan. In one of the meetings Maulana Masoodi declared:

"The Chamber of Princes, which is composed of Rajas and the Nawabs in India, has united to suppress the eight crore people living in Indian States. It is naturally the duty of the eight crore people to unite and demand Responsible Government from the princes".

After the Conference the Kashmiri leaders, visited Bombay and other places so as to acquaint the people of different parts of the country about the demand of people of Jammu and Kashmir.

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CHAPTER–V

UN-REST IN KASHMIR (1939 - 47)

National Conference

Sheikh Mohammad Abdullah emerged as the undisputed leader of the Muslim community, with the rise of the National Conference. Sheikh's contemporary, Mirwaiz Maulana Yousaf shah, felt threat to his leadership and as such there was regular fight between the followers of the both sections. This fight was popularly known as fight between the 'lion' and 'lamb' (Sher and Bakra). Lions (Sher) were the staunch followers of Sheikh Mohammad Abdullah and the Lamb (Bakras) followed their leader Maulana Yousaf Shah.[114]

It was in the year 1939 that those leaders who did not like to join National Conference, organised themselves in various groups. The prominent among them were M.A. Saber, Ghaji Aman-Ullah khan, Khawaja Ghulam Nabi, Mirza Ghulam Mohi-Ud-Din, Abdul Aziz Mirpuri and others. They even did not hesitate to level charges of corruption on Sheikh Abdullah and Stated that he had been purchased by the Hindus. Some among the educated Muslim youths, even established a branch of the State Muslim league, under the presidentship of Syed Asiq Hussain. On the other hand, Khawaja Sadar-ud-Din Mujahid, organised another party known as "Young Men's Muslim Association" to fight the Muslim league, the Azad Muslim Conference and such other groups and forums which were Anti-Sheikh Abdullah or Anti-National Conference. Even a party of Muslim young men, under the command of Qureshi Mohammed

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114 Justice, R. P. Sethi Commentary on the Constitution of J&K, 2005, P 63

Yousaf attacked the Mujahid Manzil, which had now become the headquarters of the Jammu and Kashmir National Conference.[115]

Both the sides depended on muscle strength and fought each other and made themselves a miserable sight before non-Muslims.

It was in 1940 that Moulvi Yousaf Shah, the Mir Waiz of Kashmir, thought of entering active politics again after two years deep slumber. His reputation had suffered, due to his acceptance of a Jagir, amounting to Rs 600 annually from the Maharaja and Kashmiri Muslims considered him a traitor to their cause. But being the Mir Waiz, he had devoted group of followers in the centre of Srinagar. Under his directions Qureshi Mohammad Yousaf declared revival of the Jammu and Kashmir Muslim Conference in May, 1940. Seeing danger to its existence, the Jammu and Kashmir National Conference, organized itself to face the insurgents. For this purpose, a force of young volunteers was organized, under Bakshi Ghulam Mohammad, who was designated as Salar-i-Ajam or the commander-in-chief. It is interesting to note that the State Government did not interfere in those group fightings; rather it encouraged both of them. The enmity between the 'Sher' and 'Bakra' groups had continued even upto 1983.

The Muslim leaders, who supported the league flustered at the pronouncements of Sheikh Mohammad Abdullah, launched a virulent campaign against him and other Muslim leaders in the National Conference who supported him. They charged Sheikh Mohammad Abdullah, of, having received large sums of money from the Congress leaders and having "sold the Muslim movements to the Congressmen". They blamed him of having betrayed the Muslims, in their quest for nationhood. They charged the National Conference leaders for operating in collaboration with the Congress leaders to perpetuate the Hindu dominance over the Muslims in the State. The Sheikh charged

115 Santosh Koul, Freedom struggle in Jammu and Kashmir, 1962, P 59

the Muslim league leaders of having joined the agents of the State Govt. to seek jobs in the administration and appease the British imperialist agents. The National Conference, out rightly rejected the demand for Pakistan and held that the demand for Pakistan would prove destructive to the Indian Muslims.[116]

With the advent of the Indian Muslim league, the Splinter groups of the Anti-Abdullah forum, tried again and again to revive the old Muslim Conference. However, such groups could never get any importance in the Valley of Kashmir. However, when Choudhary Ghulam Abbas left the National Conference, he succeeded in reviving the All Jammu and Kashmir Muslim Conference in the Jammu region. For his advocacy of the Muslim cause, he was nominated as a member of the All India States Muslim League. He toured Rajouri, Poonch, Mirpur and Bhadrawah and succeeded in eliminating the influence of the National Conference from the Muslim masses. On 15th of June, 1941 a big gathering of Muslim Conference assembled in the Jamia Masjid Srinagar and Choudhary Abbas invited the Kashmiri Muslims to rally under the banner of the Muslim Conference. In the gathering Abbas asked Mir Waiz to relinquish the Jagir which he had accepted from the Maharaja as an Academic Award. During the conduct of the meeting Choudhary Ghulam Abbas was elected as president and Mohammad Yousaf Qureshi as General Secretary of the Jammu and Kashmir Muslim Conference.

The new Muslim Conference became a popular organization, among the Muslims of Jammu region but in Kashmir Valley it failed to attract much following. The reason being, probably that majority of the Hindus stood behind the Maharaja but they did not look favourably towards Sheikh Mohammad Abdullah, despite the fact, that he was the president of Jammu and Kashmir National Conference. Secondly, proximity of Jammu nearer to the Punjab made it more prone to Hindu cause. The Praja Sabha in Jammu region had the blessings of the Maharaja

116 *Ibid, PP 76*

and his relations. It was but natural for the Jammu Hindus to be suspicious of Sheikh Mohammad Abdullah.[117]

During stay in Lahore in March, 1940 Sheikh Mohammad Abdullah invited Jawahar Lal Nehru and Abdul Gaffar Khan to visit Kashmir.[118] Both Nehru and Khan visited Kashmir on 19th May 1940. They were carried in a procession of boats over the Jehlum, flowing through the heart of Srinagar city. The Muslim Conference workers and supporters pelted bricks and stones on the boats, carrying Congress leaders. At number of places violent clashes occurred, between, the National Conference volunteers and the demonstrators and the troops were called out to intervene.

On 30th, June, a huge public meeting was organized by the National Conference at Hazuri Bagh in Srinagar. Sheikh Mohammad Abdullah declared that the National Conference "had thrown its lot with the freedom loving people of India and decided to fight all forms of colonial dominance as well as all forms of exploitation. National Conference was committed to the unity of India and the Indian freedom." He rejected any demand for a separate State for any religion or regional community in India.[119] On the other hand the Congress leaders acclaimed the efforts of the leaders and the cadre of the National Conference to forge a national struggle for freedom in Jammu and Kashmir State. Both Pandit Nehru and Abdul Gaffar Khan, declared, that the people in India "whether they were Hindus or Muslims or Sikhs" and whether they lived in British India or in the States were one nation. India was one and indivisible" Nehru declared.[120]

Praja Sabha at work September 1939 - April 1942

Between the Spring and the Autumn session of 1939 certain developments took place, which influenced the political history of the State. The out-break of the Second World war on

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*117 F M Hassnain, **Freedom struggle in Kashmir**, P 98*
*118 **Ibid**, PP 77*
*119 **Resolution of National Conference working committee, dated 17 May, 1942***
*120 H. Alexander, **India since cripps**, P 47*

September 3, 1939 hampered the process of election till its end. Besides, the new constitution of the State was introduced on September 7, 1939.

It raised the number of elected members to 40 giving them for the first time, an edge over the nominated ones.

In the Spring session on April 1, 1940 a strange situation appeared when Sheikh Mohammad Amin a representative of the Kathua Wazarat on behalf of the National Conference supported the resolution moved by Pandit Prem Nath Bazaz for the prevention of illicit distillation of liquor in the State. It was for first time when National Conference, supported the resolution of a non-party member and that too of a non-Muslim. Perhaps, it was the strategy of the newly formed National Conference, whose main object was to seek the co-operation of non-Muslim to give the freedom movement a secular character. Thus, with the support of the National Conference the resolution of *Prem Nath* Bazaz for the prevention of distillation of liquor in the State, was passed, without any opposition from the Government.

The first meeting of the working committee of the National Conference was held at Mirpur on December 28, 1939. In the meeting Sheikh Mohammad Abdullah got passed a resolution to please Hindu members of the Working Committee. It virtually meant the replacement of Urdu in the Persian script by Hindustani in both Persian and Devnagri. The result of the passing of the resolution on the court language made the Muslim press hostile to Sheikh Mohammad Abdullah for the new development. The press became more vocal and launched a Statewise propaganda, branding Abdullah, as an enemy of Islam and of the State Muslims, whom he had betrayed.[121]

When Sheikh Abdullah felt that his new nationalism was proving too costly since he was losing ground among the Muslims due to his liberal attitude towards non-Muslims, he, therefore, strived to come out once again in his true colour as an out and out a Muslim leader. On the occasion of *Id-e-Milad*

121 Dr. H. L. Sexana, The tragedy of Kashmir, PP 375 - 76

on April 24, 1940 in his characteristic demagogic manner, the Sheikh remarked "Islam is the sun, while, all other religions are stars" implying thereby that when the sun appears stars could not be seen.[122] His Hindu colleagues subsequently questioned him in the meeting of the working committee, for his utterance. In an angry mood the Sheikh admitted and again repeated that he was Muslim first and a Muslim last. This episode led to the resignation of Pandit Jia Lal Kilam and Kashyap Bandu not only from the Working Committee but also from the primary membership of the party in April, 1940.

The National Conference was largest party in the House, which could assert some pressure on the Government thought staging walkouts, which had happened frequently. In the early months of 1941, the State Government, introduced Urdu and Hindi as medium of instructions. This order of the Government, was resented by the Muslim leadership. Choudhary Hamid Ullah Khan, of the Muslim Conference, moved a resolution urging the withdrawal of the above Government order. He charged the Government for intending to undermine the importance of the Muslim culture and Urdu. He also feared that the Government intended to promote Sanskrit and Hindi by sacrificing Urdu. Mian Ahmed Yar, warned the Government that it would give total blow, to the evolution of a common nation-hood.

The State Government, however, rejected their demand. On this issue Mian Ahmed Yar of National Conference asked his party men to walk out from the Assembly and in their absence the resolution was rejected unanimously. Mian Ahmed Yar, submitted his resignation, along with his party colleagues from the membership of the Praja Sabha to Gopalaswamy Iyengar the Prime Minister, on June 23, 1941. Iyengar accepted the resignation of Mian Ahmed Yar only.

The National Conference members again submitted the fresh resignation from the Praja Sabha on August 18, 1941 and

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122 P. N. Bazaz, The History of struggle for freedom in Kashmir, PP 237 - 38

was accepted. They were thus not eligible to take part in the Autumn session of 1941. However, in their absence Dr. Balram Das (Jammu city North, Hindu) moved a resolution on September 25, 1941 that a Commission should be constituted of official and non-official members of the Sabha to suggest a practical scheme for enforcing prohibition (of liquor) in the State. The discussion was resumed on October 1, 1941. Dr. Das said that while India had produced men like Nehru and Gandhi our State had produced *Drunkard, Charaies and Opium eaters.*[123] He accused the Govt. of spoiling the morals of the people for just two lacs of rupees which the Govt. received as revenue from the Excise Department. Moulvi Ghulam Mustafa Shah (Muzaffarabad, Muslim) and Sardar Dhian Singh (Mirpur - Poonch) supported the resolution. Later on, the resolution was put to vote and was carried with the support of casting vote.

In the Spring session on April 20, 1942 Pt. Brij Lal Nehru Accountant General moved a bill to amend the J&K Income Tax Act of 1934. The motion was seconded by Prime Minister himself. The President of the Assembly, put the matter before the House and the motion was adopted, unanimously.

Seeing, that Sheikh Abdullah was ready to carry out the directives of the Prime Minister in future, Mr. Iyengar helped the National Conference to regain its lost position, by acknowledging it, as a popular political party, with in the State and offered to re-nominate those members of the National Conference to the Praja Sabha, who had earlier resigned on the issue of scripts, if approached by Sheikh Abdullah and his friends to do so.[124] Sheikh Abdullah, who had almost gone into political wilderness, grasped this opportunity to regain entry for his men into the Praja Sabha by this back door. The working committee of the National Conference, therefore, gladly accepted the offer of the Prime Minister and on June 18, 1942, all the eight former

123 The J&K Praja Sabha Debates (Srinagar session) dated October 1, 1941, P 41

124 Dr. H. L. Sexana, The tragedy of Kashmir, P 379

members of the National Conference, who had resigned earlier, were re-nominated to the Praja Sabha by the Maharaja himself. From then onwards, the National Conference, openly opposed the Indian Muslim League's demand for Pakistan because the former's high command believed that in Pakistan Jinah would undermine their position. It even, went to the extent of giving its full support to the Quit India Movement launched in August, 1942. Still the State Government took no action against the National Conference even though the working committee of the party had adopted a resolution stating that the Quit India Movement of the Congress was based on just reasons. The working committee gave a call for protest demonstrations on 23rd August, 1942 in support of Quit India Movement and against the repression. The Indian Government had unleashed repression i.e. a panic, a terror, on the .people in India. The working Committee of National Conference even condemned the arrest of the Congress leaders, particularly, Gandhi ji, Maulana Azad and Pandit Nehru. The Working Committee, called upon the British Government, to release Gandhi ji and other Congress leaders immediately and end the policy of repression, in order to restore normalcy and confidence in the people so that an atmosphere was created in which complete independence and a national Govt. for India could be devised. This would enable India to participate in the struggle against fascist forces, as a free and powerful democracy and help in the struggle against these forces and furthe: help in the struggle, for the liberation of the world, from forces of fascism and reaction.

The "Quit India" Movement evoked sharp responses from the people in Jammu Province and the Kashmiri Pandits in the Kashmir Province. In Jammu the students boycotted the schools and colleges and business centres were closed. At a number of places minor clashes took place between the police and the students. A number of Congress supporters were arrested and imprisoned.[125]

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125 *Martand, Srinagar, 28th August, 1942*

On 16th August, 1942, the General Secretary of the *Kashmiri Pandit Yuvak Sabha* issued a Statement to the press supporting the resolution of the National Conference, which called for protest demonstrations against the arrest of Congress leaders on 23rd August, 1942. In his Statement the General Secretary of the Yuvak Sabha declared that the time had come, when the Indian people should be given complete control over their country's affairs. The Statement added "The Sabha cannot but sympathize with the spirit of the resolution adopted by Jammu and Kashmir National Conference which called upon the people in the State to observe 23rd August, as the National Day".

On 23rd August, protest meetings were held all over the State. In Kashmir Province people went on a general strike. In Mirpur, the district committee of the National Conference and Congress committee organized a meeting where a resolution was adopted against the repressive policy of the British Government towards the unarmed and peaceful masses, in order to crush the Liberation Movement in India.

Maharaja Hari Singh, disapproved the negotiation between his Prime Minister Ayyanger and Sheikh Mohammad Abdullah. He opposed the idea of transfer of any authority to public representatives, since, it would amount to voluntary abdication. Hari Singh, had an inherent aversion towards the Conference leaders probably because of the role of Sheikh, which he had played in the Muslim agitation of 1931.[126]

Maharaja Hari Singh, lost the opportunity given by Prime Minister Gopalaswamy Iyengar, to transfer the power to the people, making himself comfortable as titular head of the State. This way, he could give many years to his successors and the dynasty would continue generation after generation. This would have given him another crown, over his head, among other princes of India.

However, after sometime Iyengar discussed the issue of the constitutional reforms with Maharaja and suggested him to

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126 Dr. H. L. Sexana, The tragedy of Kashmir, P 379

transfer the administrative powers to the Minister who would be appointed from the Praja Sabha and they would be responsible to that institution. He even proposed that the Sabha should be provided wider control with regard to the finances of the State. Maharaja expressed his strong resentment towards such proposal of Ayyanger and his encouragement towards National Conference. In fact, the Residency officials had expressed their misgiving about the increasing influence of the Congress over the National Conference. Ayyanger felt *flustered* and requested Maharaja to relieve him from his office. Hari Singh, thus relieved Gopalaswamy Iyengar from his office in the first week of April, 1943. Kunwar Maharaj Singh, a trusted servant of the Govt. of India, was appointed as the Prime Minister of the State.

The removal of Ayyanger was hailed by the Muslim Conference leaders. They celebrated 9th April, 1943 as day of deliverance. The leaders of the Muslim Conference presented several memorials to Maharaj Singh, the new Prime Minister, recounting the quantum of access done by the National Conference cadre upon the workers of the Muslim Conference.[127]

On the other hand, *Maharaja Hari Singh,* established closer rapport with the leaders of the Muslim Conference. Maharaj Singh, Prime Minister, was an ardent supporter of the British rule in India and as such he decided to undo the prestige and influence of National Conference in the State. On one hand, the new Prime Minister conveyed his displeasure to the leaders of the National Conference and on the other hand, he secretly assured the Muslim Conference leaders that their activities in the State would not be objected by the Maharaja's Government.[128]

Assured of the protection of the government, the Muslim Conference leaders, launched a campaign for the propagation of Pakistan and the institution of the responsible Government in the State. The Muslim Conference further demanded special representation for the Muslims in the State services, repeal of

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127 Santosh Koul, Freedom struggle in Jammu and Kashmir, 1962, P 107
128 Ibid, PP 107 - 108

the Arms Act, the withdrawal of the Devnagri script, the abolition on the Cow-slaughter and amendment of the Hindu law of inheritance. Sir Maharaj Singh publically admitted that the Muslims were not adequately represented in the services of the State.

However, Hari Singh did not approve the policies of Sir Maharaj Singh since he strongly disfavoured the revival of the Muslim communalism in the State. Infact, Hari Singh intended to have a check on the National Conference but side-by-side he strongly opposed the move of the revival of Muslim communalism in the State.

The under favour of Prime Minister Maharaj Singh towards the Muslim Conference leaders and his pronouncement with regard to Arm Act, the introduction of the Devnagri script and the removal of the prohibition on cow slaughter, estranged the Hindu and the ruler and as such he had no other alternative but to leave his office. Thus Maharaj Singh stayed in the office of Prime Minister only for three months and vacated the same in the month of July, 1943. On 26th July 1943, Hari Singh entrusted the charge of the Government to Sir Kailash Narain Haksar one of the trusted minister of the Maharaja. Haksar was intolerant to Muslim Conference as Ayyanger was. Haksar being conservative in approach, he was favourable towards the National Conference either.

On 12th July, 1943, Hari Singh announced the appointment of a high power enquiry commission to look into the working of constitution of the State coupled with socio-economic status of the people of the State. Justice Ganga Nath, a retired judge of the Allahabad High Court who was appointed, the Chief justice of the State High Court, to head the Royal Commission. The Commission comprised twenty members viz. Rai Bahadur Ganga Nath as president and Major General Janak Singh a close relation of the Maharaja as vice-president.[129] The other members

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*129 Santosh Koul, **Freedom struggle in J&K,** 1962, P 111*

of the commission were Raja Allah-dad-Khan, Sheikh Azizudin, Mirza Mohammad Afzal Beig, Ghulam Mohammad Sadiq, Sardar Dhyan Singh, Wazir Ganga Ram, M. A. Hafiz, Lala Shiv Nath Nanda, Pandit Prem Nath Dogra, Pandit Amar Nath Purbi, Choudhary Rahmat Ullah Khan, Colonel Sansar Singh, Raja Sher Ali, Lala Mul Raj Mengi, Pandit Amar Nath Kak, Surinder Mohan Shastri and Rinchen Chug. Wazir Tej Ram was appointed in the capacity of secretary of the commission.

The Royal Commission was instructed to investigate conditions, needs and environment of the people of Jammu and Kashmir and suggest measures to sense the collective interest of the people as well as the welfare of the various communities or groups, living in the State. The Commission was assigned the task to inquire into the working of the existing constitutional provisions and suggest measures for its proper implementation. Besides, the constitutional and Administrative reforms the Maharaja instructed the commission to enquire into the civil and Administrative functions and recommend measures to further improve them. It included Medical service, particularly, the rural medical aid, sanitation of the towns of Srinagar and Jammu, facilities of irrigation in Kandi region, economic conditions of the frontier districts of Ladakh, Baltistan, Skardu and Gilgit, the industrial development in the State, re-organization of the educational system, development of the traditional trades, technical and professional education, expansion of employment of the State, economic security of various classes of the people in State, particularly, the rural classes, the migration of labour from the State to British India and its prevention, prevention of abduction of women and traffic in women, the extension of local self Government and review of the law of marriage.

The appointment of the enquiry commission was hailed as a timely step in the direction of the political reforms and economic emancipation of the people of the State by certain sections of the State subjects including *National Conference Yuvak Sabha*, the Congress committee in *Jammu and Hindu*

Navjawan Sabha, since it related to the economic upliftment of the people of the State. Some leaders on the other hand expressed their dissatisfaction due to its large size and dominance of the Jagirdars, pensioners, concession holders and official of the Government in the commission.[130]

The Chairman of the Enquiry Commission Ganga Nath and most of its members were conservatives in approach. They disfavoured in bringing political reforms and hence asked the Commission to avoid deliberate upon such major issues as the institution of responsible Government, the economic reorganization, industrial and agricultural development, educational progress, freedom of press platform and expression etc that were raised by the members who represented the different organizations in the Commission. Ganga Nath, therefore, didn't permit to discuss the powers and position of the ruler, the ruling dynasty, army, judiciary, the Jagirs and the private departments.

The Muslim Conference was already vocal on the issue of appointment of the Royal Commission.[131] They expressed their protest against the inclusion of the representatives of the National Conference in the Commission and exclusion of the representatives of the Muslim Conference. On the other hand the leadership of the National Conference disapproved the rigid attitude and the manner in which the deliberations of the Commission was concluded. Ghulam Mohammad Sadiq of the National Conference presented a detailed report to the working committee of the National Conference, regarding the working of the Commission in the first week of February. The National Conference decided to recall its representatives from the Commission. Accordingly, on 28th of Feb, Ghulam Mohammad Sadiq and Mirza Afzal Beig withdrew from the Commission of Enquiry. The Muslim Conference welcomed the withdrawal of the National Conference from the Royal Commission.

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*130 **Ibid, PP 113***
*131 **Ibid, PP 113***

Choudhary Ghulam Abbas Khan said that the Muslim Conference had already observed that the Commission of Enquiry would not be able to satisfy the masses. Abbas asserted "there is no representative left in the commission, except secretaries, Jagirdars and pro-Government." Thus, the Royal Commission proved utterly failure.

Praja Sabha at work, September 1942 - April 1947

The term of the second Praja Sabha which was to expire in September, 1942, was extended by a year by the Maharaja because, of 2nd world war. In the Autumn Session on September 15, 1942, Choudhary Hamid Ullah khan, the president of the Muslim Conference moved the "Arms Act repeal resolution." In the Assembly the president informed that the Hindu Rajputs had been provided with fire arms, while the other communities had been kept unarmed. The speaker even went to the extent of apprising the House that thirty-six lacs of empty handed Muslims could not withstand against ten thousand Rajputs, who had acquired fire arms.

In the spring session at Jammu, Moulvi Ghulam Mustafa Shah on March 30, 1943 moved a motion to discuss the paucity of Muslims in the Judicial Services.

He criticised the Government for doing injustice to the Muslim community in the matter of representation in the Judiciary. He cited the example that out of three judges of the State High Court only one was a Muslim and even the Advocate-General was non-Muslim.

Mian Ahmed Yar, supported the cut motion and pointed out that the Government was not abiding by the recommendations of the Glancy Commission. He brought to the notice of the House that sometime before, there was a Muslim Chief Justice, a Muslim Session Judge and a Muslim Additional District Magistrate.

Lala Satya Pal Vohra (Srinagar city, Hindu other than kashmiri Pandit) and a lawyer by profession, condemned the

allegations levelled by Choudhary Hamid Ullah Khan and informed the House that the posts of the judges were to be filled on the basis of efficiency and merit and not on communal representation. He compared the number of Gazette posts in the Judicial Department held by the Muslims in the year 1935 with that in 1942.[132]

Year	Gazetted posts	No of Muslims	% of Muslims
1935	28	07	25%
1942	28	12	42.85%

Mr. Ghulam Mohammad Sadiq (Amira Kadal, Srinagar city), however, observed that it was only the Muslim Conference, which had pleaded the cause of the Muslims to keep a check on the Government. After repeated exchange of hot words between the members of two communities, the President of the Sabha stopped the proceedings of the cut motion.

The Infant Marriage Prevention Act of 1928, by which the offspring's of infant marriage were deprived of proprietary rights, was amended, when Lala Satya Pal Vohra moved a bill to amend this Act. The bill was moved in the House in the Spring session, on April 18, 1944 and was referred to a selective committee of Pt. Amar Nath, Pt. Isher Dutt, S. Dhian Singh, Mirza Afzal Beig, Qazi Abdul Gani, Khawaja Mohd. Khalil Kitchloo, Pt. Janardan Teg, Prime Minister and Lala Satya Pal Vohra. The recommendations of the Committee were tabled in the Assembly and ultimately the bill was passed on April 14, 1945 unanimously.[133]

The National Conference member Mian Ahmad Yar, moved a resolution in the Autumn session on October 25, 1945 regarding deplorable condition of the factory workers in Kashmir. He disclosed that ninety percent of the total profit of

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132 *The J&K Praja Sabha Debates, Vol X, 1st day (Jammu session) dated 23, 1943, P 59*

133 ***The J&K Praja Sabha Debates,*** *dated October 5, 1943, P 83*

Jammu and Kashmir silk factories should be paid to the labourers of the factories in the form of wages. On the issue, Prime Minister apprised the House that it was the desire of Maharaja and the State Government to see that the economy of country be made satisfactory for different section of the society. The Prime Minister further added that if they would start earmarking and dividing profit of a particular income producing activity, leaving the rest of the State out of consideration, the Government would have to face innumerable difficulties. He informed the members that the State Government could not jeopardize the other departments, like Defense etc for satisfying the labourer's profits. After hearing the Prime Minister Mian Ahmed Yar, withdrew his resolution and expressed his gratitude to the Government of the Maharaja for his open mind on the issue of public interest.

Mirza Afzal Beig, the Minister for Public Works and Municipalities addressed a number of representations to the Prime Minister strongly pleading for the allocation of separate secretariat staff for his ministry. Pt. Ram Chander Kak, the Prime Minister, didn't pay any heed to the proposal of Beig. The latter felt dejected and ultimately resigned from his office on March 19, 1946. Following the resignation of the Beig the Government offered this ministerial office to Mian Ahmed Yar. The appointment of Mian Ahmed Yar was a bolt from the blue and a debacle for the National Conference. The National Conference charged Pt. Ram Chander Kak of conspiracy to break up the National Conference and pushed Beig out of the Government. National Conference, approached Mian Ahmed Yar to resign from his office and when he did not oblige, he was expelled from the National Conference for breach of faith. Sheikh Mohammad Abdullah who had gone to Delhi to attend a meeting of the State People Conference returned to Srinagar on May 3, 1946 and found National Conference in a State of crisis. The Sheikh now called upon the Muslims of the State to prepare for the last phase of the freedom struggle against the *Dogra Raj*.

In August 1946, the State Government decided to hold elections to the Praja Sabha. Most of the National Conference members were put into prison. On November 20, 1946 Bakshi Ghulam Mohammad the acting president of the National Conference issued a Statement at Lahore calling upon the Government to put an end to its repressive polices and to allow the conditions in the State to normalize in view of the forth-coming elections to the Praja Sabha. However, the Govt. issued a notification which fixed January 4, 1947 the date for holding the election to the Praja Sabha. Nomination papers were scrutinized, on December 19, 1946 and most of those filed by the National Conference were rejected.[134] Eight nomination papers were filed against Mian Ahmed Yar but all of them, were declared invalid and Mian Ahmed Yar was returned to Praja Sabha, unopposed. On the same day Bakshi Ghulam Mohammad denounced the action of the Government and announced the decision of the National Conference to boycott the election. In this way, the Maharaja Government succeeded in sidelining Sheikh Abdullah and the National Conference, from the political mainstream, of Jammu and Kashmir State.

The last session of the State Assembly met in the Praja Sabha chambers in the *Ajaib Ghar*, Jammu on March 31, 1947. the National Conference was out of Assembly and therefore Choudhary Ghulam Abbas of the Muslim Conference played a important role as an opposition leader. On the first day of the session, Choudhary Hamid Ullah Khan moved an adjournment motion. He asserted, that, since the State Government had not made it clear what policy it would adopt towards, India and Britain, after the British quitted the country. He favoured such policy for the betterment of the public and the State Government, since the days of autocracy had gone and the time of public rule had come. The matter under focus of the adjournment motion was a reserved subject and it was beyond the competence of the council of Ministers, or the Praja Sabha to debate the motion. At

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*134 **Khidmat**, November 20, 1946*

this critical issue, Choudhary Hamid Ullah Khan said, "Although, the matter is not within the competence of the council, yet, we can tender our advice to His-Highness on the point. The House should be taken into confidence in regard to any possible course they intend to adopt".[135] The Chief Secretary to the Government, raised an objection and held that the motion was not in order and hence it was rejected. Obviously, it was the swan-song sung by Praja Sabha on April 18, 1947. It adjourned, never to meet again, due to an emergency caused by the grant of independence to India and Pakistan and the Tribal raid, on this State, that followed.

Naya Kashmir

After the National Conference withdrew from the Royal Commission, Freda Bedi, an English woman, who was associated with the preparation of the memorandum of the National Conference submitted to the Conference leaders, to prepare a fresh and comprehensive plan, for national reconstruction and political reforms in the State. The Conference leaders agreed to her suggestion and hence Freda Bedi prepared a plan, on the basis of the materials and data which the National Conference had collected, for the preparation of the memorandum to the Royal Commission. The plan originally prepared by Bedi in English was translated into Urdu by Maulana Sayeed Masoodi, the General Secretary of the National Conference. The plan was presented before the Working Committee of the Conference on 27th Feb, 1944. The Working Committee adopted the plan as the official policy manifesto of the National Conference and named it as 'Naya Kashmir'.

Meanwhile, Maharaja Hari Singh returned to Kashmir from extensive tour of war front in the middle east, as a member of British War Cabinet. On his arrival in the State, Maharaja was given rousing reception by all political parties, including National Conference and the Muslim Conference. The Naya Kashmir plan was presented to Maharaja Hari Singh by Sheikh Mohammad Abdullah and later, it was adopted as the manifesto of the National Conference, during its

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*135 P. N. Bazaz, **A History of struggle for Freedom in Kashmir**, PP 267-268*

annual session held on 29th September, 1944 at Srinagar. Sheikh Abdullah, declared that the National Conference envisaged the future of Naya Kashmir in political as well as economic terms. It believed in the independence of Judiciary, elected principle applied from the Panchayat level, to the State Assembly and responsibility of the executive to the people. The programme contemplated planned economy, which the party declared was essential for the overall progress, besides, raising the living standard of the people. The ruler of the State, was proposed, only to be the constitutional head in the preamble of Naya Kashmir.[136]

It was Stated :–

"We the people of Jammu, Kashmir, Ladakh and the frontier regions, including Poonch and Chenani *ilaqas* commonly known as Jammu & Kashmir State - in order to perfect our union in the fullest equality and self determination to raise ourselves and our children forever from the abyas of oppression and poverty, degradation and superstition from medieval darkness and ignorance, into the sunlit Valleys of plenty ruled by freedom, science and honest toil, in worthy participation of the historic resurgence of the people of the East and the working masses of the world and in determination to make this our country a dazzling gem, upon the snowy bosom of Asia, do propose and propound the following constitution of our State."

"It promises to guarantee freedom of speech, freedom of press, freedom of assembly and meeting and freedom of street processions and demonstrations to all citizens of the State. All citizens were guaranteed the right to work, the right to receive guaranteed work with payment for their labour, in accordance with its quantity and quality, subject to a basic minimum and maximum wages, established by law. All citizens were assured that right to rest, right to material security in old age, right to education, right to personal property as well as the right to inheritance of personal property. Women citizens were to be

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136 *Justice R. P. Sethi, **Commentary on the Constitution of Jammu and Kashmir,** 2005, P 65*

accorded equal rights like men, in all fields of national life and the children ensured equality of opportunity, irrespective of accidents of birth and parentage."

The Naya Kashmir plan, proposed the institution of a National Assembly, elected by the citizens of the State on the basis of one member per 40,000 population for a period of five years on the basis of Universal adult franchise.[137] The administration, was to be divided, in a number of departments viz Defence, Foreign Affairs, Foreign Trade, Railways, Communication, Cottage Industries, Transport, Agriculture, Animal Husbandry, Live Stock, Food Grains, Finance and Banking, Trade, Home Affairs, Justice, Health, Education, Municipal, Economy and Social Welfare."

The Jammu and Kashmir, National Conference, reiterated in the programme that it stood for the principle that all key industries must be in the hands of the people's government and therefore, enumerated the following basic principles :-

(a) "Abolition of the big private capitalist, because, exploitation of National labour and resources for a private profit motive, means suffering and hardship for the working population" and has therefore, no place in the National plan of the New Kashmir.

(b) All key industries must be managed and owned by the Democratic State of Jammu and Kashmir.

(c) Private monopoly, whether formal or virtual to be forbidden in the interest of the State.

(d) Forest resources basic to industry and mineral deposits to be worked only by the State.

(e) Private small scale industrial enterprise will be allowed only in strict conformity with the needs of the National plan and will be subject to supervision by the National Industrial council."[138]

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*137 Santosh Koul, **Freedom Struggle in J&K**, 1962, P 121*

*138 Justice R. P. Sethi, **Commentary on the constitution of Jammu and Kashmir**, 2005, P 67*

At the district and village levels, district industrial councils and the village industrial councils were proposed to be established to supervise and control industrial planning at local levels. Like the district and the village Agricultural council, the district and the village industrial councils, were to function in collaboration with the Village Panchayat.

A special planning procedure was incorporated in the National Economic plan to ensure the development of handicrafts and the cottage industries of the State. Two basic principles were laid down by the plan to form the basis of the re-organization and the development of the cottage industries and handicrafts, in the State. These principles underlined the establishment of Co-operative Organization of handicraft workers, in order that they were delivered from exploitation of the intermediaries and profiteers and introduce small machinery in the manufacture of handicrafts, in order to emancipate the craftsmen of their drudgery and increase their output.

The Worker's Charter, was included in the Industrial Development Plan. The Charter envisaged a number of basic right and conditions, which were to be secured for the working masses of the State. These right included :–

(a) Right to freedom of occupation
(b) Right to form association and trade unions.
(c) Right to collective bargaining
(d) Right to higher standard of living
(e) Right to work with honour and self respect of the work
(f) Right of the workers to demand work from the State, in accordance with, their physical and mental capacity.

Naya Kashmir, ensured the independence of the Judiciary with the constitution of the High Court and People court at district and Tehsil levels. It was provided that the Judges of the High Court would be elected by the Assembly for a period of five years. The people's court judges were to be elected by the Panchayats and the High court was empowered to supervise

and direct the judicial functions of such sub-ordinate courts. Besides, Naya Kashmir, promised to the abolition of landlordism and distribution of land to the tiller. The Agriculture plan was promised to aim at national self-sufficiency, in essential foodstuffs and crops. A National Agricultural Council was to be set up in the State. The Naya Kashmir specifically dealt with transport, the distribution and the utility services.

Dyarchy - Plan

On October 2, 1944, the ruler of the State Maharaja Hari Singh, announced to appoint two ministers to his Council from among the members of Praja Sabha. The two ministers, represented Hindu and the Muslim communities and were accountable to the ruler and would enjoy their office so long they had the confidence of Maharaja.[139]

The proclamation said :

"With a view to giving further effect to my policy of associating my subjects with the administration of the State, I have after careful consideration, decided to call upon the Praja Sabha, to nominate a panel of six (three to be Muslims) of its members, three from Jammu and three from Kashmir, including the frontier district) the Assembly will determine its own procedure for nominating the panel, official members would not take any part in the proceedings out of panel so nominated, I shall appoint two (one of whom will be Muslim) as my Minister. Those Ministers, shall hold charge of portfolios to be determined by me. The Minister so appointed by me will hold office during my pleasure or for two years after which if they will continue to be the members of the Sabha, they will be eligible for re-appointment."

The scheme, envisaged by the proclamation, came to be called "Dyarchy". Actually, members nominated by the Sabha were mainly responsible to the ruler only and remained in office during his pleasure. Obviously, no separate and independent sphere of powers was allocated to them. The power

139 *Santosh Koul, **Freedom struggle in J&K**, 1962 P 147*

to distribute portfolios among the ministers, was reserved by the ruler himself.

The National Conference, accepted the scheme of dyarchy, whereas Muslim Conference out-rightly, rejected the same. The Muslim Conference, became critical towards the government, charged it to institute dyarchy, simply to divide the Muslims in the State. The acceptance of Dyarchy according to Muslim Conference would have reduced the Muslim Conference to a propaganda department of the irresponsible Government.

On the recommendation of the Praja Sabha, Maharaja Hari Singh, appointed Wazir Ganga Ram from Jammu and Mirza Afzal Beig from Kashmir who had been the deputy leader of the Parliamentary party of National Conference in the Praja Sabha.[140] The Ministers were vested with little initiative to influence the policy formulation in the State Government. Ultimate power with regard to policy decision, continued to remain with Maharaja and his Prime Minister. The Council functioned as an executive instrument of the ruler and the area of discretion which was vested with it, was subject to the authority of the ruler.

In December, 1944 Afzal Beig had detailed discussion with B. N. Rao, the Prime Minister of the State. Beig apprised the Prime Minister of the practical difficulties, he had to face in the absence of necessary secretariat staff. The Prime Minister, asked Beig to send his grievances in the shape of a memorandum for suitable action in that regard. When the Prime Minister Rao, failed to solve the problem of Afzal Beig, he resigned from his office.

Disillusioned about the working of the dyarchy, the leaders of the political organizations, however, agreed to work it out when Ram Chand Kak was appointed as Premier in place of B. N. Rao. But Kak, like his predecessor, could not settle down in his office. Kak assumed office on 30th June, 1945 six months after dyarchy was in operation.[141] The new Prime Minister, lacked basic concept about the dual government and the content

*140 **Ibid**, PP 148*
*141 **Ibid**, PP 150 - 151*

of political responsibility. After taking over the charge of Prime Minister Kak took away whatever little initiative and prestige the two minister enjoyed. Therefore, dyarchy, continued to drag along without any specific purpose.

During July, 1945 the general session of the Muslim Conference was held in Poonch. The Muslim leaders from Kashmir including Moulvi Yousaf Shah wanted the Annual session of the Conference to be held in Srinagar but Choudhary Abbas Khan, who was particular to hold convention in Poonch prevailed upon the Muslim Conference leaders to hold the convention in Poonch. In twin districts of Poonch and Mirpur, the Muslims by and large supported the Muslim Conference. Mirwaiz Yousaf Shah was elected the president of the Conference. The Muslim Conference opposed dyarchy tooth and nail and levelled serious charges against the cadre of National Conference, of having betrayed the cause of Muslims in the State. The Muslim Conference reiterated its support to Muslim league and its struggle for the realization of Pakistan. The Conference severely criticized the declaration of 'Naya Kashmir'.

In the open session of Muslim Conference their leaders distributed pamphlets, which were named "Azad Kashmir." Azad Kashmir, reiterated the Muslim league demand for separate homeland for the Indian Muslims and committed the Muslim of Kashmir to struggle for the realization of Pakistan.[142]

Azad Kashmir declared that the Muslims of Jammu and Kashmir and Ladakh recognize and follow with their brothern in India, one leader who was Quedi-i-Azam Mohammad Ali Jinah, one organization, which was Muslim League and one objective that was the realization of Pakistan. It further declared, "The Muslims in the Indian States will not submit to the Hindu majorities and they will struggle for independence and emancipation of the Muslims from the Hindu dominance in India as well as in the Indian States".

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*142 Santosh Koul, **Freedom struggle in Jammu and Kashmir**, 1962, P 154*

Just after the Muslim Conference session, the National Conference decided to hold its annual session on 3rd August, 1945 at Sopore, in Kashmir region. The Conference leaders decided to invite the top Congress leaders including the leaders of States People's Conference to Kashmir to participate in the session. Pandit Nehru, Ashraf Ali, Gaffar Khan reached Srinagar and were given rousing reception in the city. They were carried in a procession of boats over river Jehlum which flows through Srinagar city.

However, both the National Conference and the Muslim Conference actively participated in the legislature till 1946. According to Brecher "Their energies were constantly being diverted from the mutually agreed upon objective of responsible Government to an inter-party ideological conflict, to the disadvantage of two parties and exclusive benefit of the ruling dynasty." This conflict, between the two political parties, was to have serious and far-reaching consequences in Kashmir.

Quit Kashmir Movement

After the resignation of Mirza Afzal Beig from the State cabinet of the Maharaja, the State Government hardened its attitude towards National Conference and its cadre. In the meanwhile, National Conference had developed its relationship with the Nationalist leadership of the entire country. Sheikh Mohammad Abdullah, threw a challenge to the very basis of the Dogra sovereignty, in Kashmir. In his speeches delivered to huge gathering in the Valley, Sheikh Mohammad Abdullah stressed two points. Firstly, he out rightly rejected the treaty of Amritsar between the British and Raja Gulab Singh and termed it as sale-deed unacceptable to the people of Kashmir and advocated that it ought to be abrogated. Secondly, he challenged Maharaja Hari Singh and warned him to Quit Kashmir Valley bag and baggage and leave Kashmiri alone, to decide their future themselves.

In one of the public speech in Srinagar on 10th of May, 1946 Sheikh Abdullah sharply attacked the Maharaja. He

declared "we have realized the truth now. We are slaves and we have no rights. We have been purchased by the Dogras for a very small sum. Inspite of our repeated request that the administration of the country be entrusted to the people, the Government of the State always remained unmoved - a treaty of Amritsar has no legal validity. The Englishmen are preparing to leave India with their bag and baggage. The treaty has lost its basis." This speech was considered as the beginning of the "Quit Kashmir" Movement.[143]

During the year, 1946, the British Premier Clement Attlee declared that the British Government had decided to send a special mission of cabinet ministers to India to negotiate a settlement with the Indian leaders. The Mission constituted of the Secretary of State, Lord Pathic Lawrence, Sir Stafford cripps, President of Board of Trade and A.V. Alexander, First lord of Admiralty. The Cabinet Mission arrived in India in March 1946; a week after Mirza Afzal Beig had relinquished his office.[144]

On 16th May, 1946, the Cabinet Mission announced a plan, which the mission evolved for a future constitutional framework for India. The mission observed :

"When a new fully self governing or independent Government or Government came into being in the British India, His Majesty's Government will not be such as to enable them to carry out the obligation of the Paramountcy. Moreover, they cannot contemplate that the British troops will be retained in India, for this purpose. Thus in logical sequence and in view of the desire expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the right of paramountacy. This means that the right of the States which flow from their relationship with the Crown will no longer exist and that all the rights surrendered by the States to the Paramount Power will return to the States. Political arrangements between the States on one side and the British Crown on the

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143 Speech published in Newspaper "Khidmat" dated 11th May, 1946
144 Ibid, P 167

other, will have to be filled either by the States entering into federal relationships with the successor Government or Governments in British India or failing that entering into particular political arrangements with it or them."[145]

Sheikh Abdullah, the President of the National Conference sent a long telegram to the Cabinet Mission stating the principles, which the Conference desired the Mission to adopt in regard to Kashmir. At the same time, National Conference presented a longer memorandum to the Cabinet Mission in which the party pleaded for the repudiation of the treaty rights, the British had bestowed upon the princes and the recognition of the State's people right to send their representatives to participate in the constitution making body.

Sheikh Abdullah, left for Delhi, to participate in the deliberation of the States People's Conference on the Cabinet Mission proposals. In a Statement issued in Delhi, he asked for the reconsideration of the policies of the State Government followed in Jammu and Kashmir and demanded the institution of responsible Government in the State.

Sheikh Abdullah, returned to Srinagar, on 3rd May, 1946 and here he met his colleagues including Mirza Afzal Beig, Ghulam Mohammad Bakshi, Khawaja Mohi-ud-din Qara and apprised them regarding the Cabinet Mission proposal. Sheikh told his colleagues that Nehru favoured the institution of a vigorous movement in the States for the right to send people's representatives to the Constituent Assembly. Sheikh endorsed the view points of Nehru.

On 15th May, 1946, Sheikh Abdullah outlined the objectives of the "Quit Kashmir" movement and called upon the people to prepare for the last battle with the Dogras.[146] He claimed that "Quit-Kashmir" was a logical extension of the struggle for freedom of the Indian people from British imperialism. 'Actually the "Quit-Kashmir" movement was initiated by the National

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145 Ibid, P 169
146 Ibid, P 171

Conference in Jammu and Kashmir State in imitation to the Congress's 'Quit-India' movement in British India.

The Maharaja's Government was prepared to meet any such situation created by Sheikh Abdullah and his National Conference. The Prime Minister of Jammu Kashmir told the correspondent of Hindustan times. We have been preparing for it for 11 months and now we are ready to meet the challenge. We shall be ruthlessly firm and we make no apology about it."

On the morning of 20th May, 1946 Sheikh Abdullah left Srinagar for Delhi in a private vehicle via Jehlum Valley road. On the same day in the afternoon, he was arrested at Garhi, a wayside station, on the Jehlum Valley road.[147] Besides, most of the members of the Working Committee of National Conference and other prominent workers were sent behind the bars. Among those arrested, were Sardar Budh Singh, Mirza Afzal Beig, Mir Ghulam Hassan Jilani, Pandit Kashyap Bandhu and Pandit Sham Lal Saraf. Bakshi Ghulam Mohammad, who had been asked by Sheikh Abdullah to act as a president of National Conference escaped from Srinagar along with Ghulam Mohammad Sadiq, Maulana Masoodi, Khawaja Ghulam Mohi-ud-Din Qara and Mohi-ud-Din Hamdani and went under ground.

Ghulam Mohi-ud-Din Qara, became a legendary hero and shot into prominence as Bulbul-e-Kashmir (Nightingale of Kashmir). The two mosques of Hazartbal and Khanka-Moula in Srinagar became the hub of political activities launched by National Conference since both the mosques were under the supervision and control of the "Shers".

A case of sedition was registered against Sheikh Abdullah and the prosecution stated :

That the accused with the object and intention of bringing, into hatred and contempt, His Highness, the Maharaja Bahadur and the Government of Jammu & Kashmir as established by law convened public meeting of the National Conference in different parts of Srinagar city and its suburbs on 9th, 10th, 13th,

147 Ibid, P 172

14th and 16th of May, 1946 and on many other places as well, in which, he addressed the assembled people.[148]

Abdullah pleaded "not guilty" and gave a Statement having admitted to demand a "Responsible Government". The defence of Sheikh was conducted by a famous Congress leader and a barrister of outstanding abilities Mr. Asaf Ali. He argued "The main question in this case is whether it is right of the people to demand responsible Government even in empathic terms, if necessary" he then went to ask "Is it a crime to say that the basis of the Government of the State should be the will of the people and not a treaty which is 100 years old and which is impugnable in the highest International Court of Justice?"[149]

Following the arrest of National Conference leaders, widespread demonstration broke out all over the State. At a number of places, people turned violent, cut down telephone and electric wires, damaged bridges and attacked police stations. In Srinagar town, the situation turned worse and troops opened fire at a number of places. During the day, six cadres of the National Conference died in Srinagar. Trouble spread to other places like Anantnag, Bijibihara, Mattan, Baramulla, Sopore, Pattan, Handwara, Bandipora and Pampora. The troops opened fire on demonstrators at a number of places.

In Jammu, the National Conference commanded the loyalty of a smaller section of people. The Muslims, by and large, supported the Muslim Conference and therefore they did not lend their support to the "Quit-Kashmir" Movement. There was a spurt of trouble in Poonch, Rajouri and Mirpur but the elements of Muslim League diffused the situation. The Hindus of Jammu, on the other hand, were not ready to rise against the Dogra dynasty. In fact, a number of leaders in Jammu had ardently worked with National Conference were embarrassed by the sudden eruption against the Dogra rule in Kashmir province.[150]

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148 Published by National Conference, why freedom? 1946, P 3

149 Abid, P 18

150 Santosh Koul, Freedom Movement in Jammu and Kashmir, 1962, P 173

The National Conference leaders who escaped arrest and were led by Mohi-ud-din Qara, formed an under ground cell which was named as "War-Council". The war-council appointed Conference volunteers to defy the prohibitory orders and civil disobedience called the dictators and later on sent to court arrest at different places, according to the direction of war council.

Nehru and Quit Kashmir Movement

As soon as Congress leaders received the information of the development in Kashmir, Pandit Nehru condemned the attitude of the State Government and demanded the withdrawal of the repressive measures, the State Government had adopted against the Conference leaders. Nehru charged the State Government of having acted on the instigation of the Political Department of the Government of India and the British Resident in the State. In a Statement Nehru said: -

"I do not know the circumstances or reasons for this, but it is obvious that this is a very serious matter, both for the Kashmir State and for the States People's Movement all over India. It is becoming increasingly evident that there is general tendency in many States to attack the People Movement, whether this is due to a desire to queer the pitch at the critical moment of whether it is just a normal functioning of the State authorities, I do not know. But I am convinced that this kind of thing cannot take place without the support of the Political Department and their agents. We know very well that in such matters, it is the Resident who plays a dominant role."[151]

The Standing Committee of the State's People Conference met in Delhi on 8th June, 1946. The "Quit Kashmir Movement" and the consequent political crisis is Kashmir came up for discussion in the committee. The committee endorsed the stand taken by National Conference, with regard to treaty of Amritsar and declared it a hollow document. In his address, Nehru

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151 Ibid, P 174

declared, that princes could not claim their titles on the basis of treaties but on the will of the people, if they desired to continue their rule over the States.

Nehru blamed the British of creating all troubles in the Indian States and alleged that the trouble in Jammu and Kashmir was also fomented with connivance of the British.

Pandit Nehru, who was at this time one of the acknowledged leaders of the Congress and would-be Prime Minister of free India expressed his desire to visit Kashmir on June 19, 1946 just to defend Sheikh Abdullah. The District Magistrate of Srinagar served orders prohibiting Nehru from entering the State territories at Kohalla (now under Pakistan occupied Kashmir). The Magistrate, advised Nehru, to go back to British India but Nehru refused to take advice and proceeded after a brief discussion with battery of lawyers including Dewan Chaman Lal, Asaf Ali, Baldev Sahai and Mohammad Yunus. Nehru, alongwith his companions reached Domel in the evening and decided to break the journey there. At eleven in the night, Nehru was put under arrest and was taken to Chinari, another wayside station on the Jehlum Valley road. The other Companions of Nehru were allowed to proceed to Srinagar whereas Nehru was kept in detention for two days.

The news of Nehru's arrest spread all over India just like wild fire. Congress Committees and Praja Mandal all over Punjab and cadres of the Congress offered to proceed to Kashmir to enter the State and defy the orders of the State authorities. Maulana Azad, sent a telegram to Hari Singh, urging upon him to postpone Sheikh's trial so that Pandit Nehru could return to Delhi, where many political decisions were pending. Nehru was released but Hari Singh refused to postpone trial of Sheikh Abdullah. However, Nehru was released and he returned to Delhi. During that period veteran National Conference leader, Raja Mohammad Akbar Khan, who was sentenced and imprisoned, died on account of miseries of jail.[152]

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*152 **Ibid**, PP 175 - 176*

In answer to the charges levelled against him in the court of session judge, Srinagar trying him for sedition under section 124-A of the penal code Sheikh Abdullah resiled from the slogan of "Quit - Kashmir" while pleading not guilty, he clarified that his stand meant a change in the system of governance. He claimed for grant of full responsible government.

However, Sheikh Abdullah and Shyam Lal Saraf were convicted and sentenced to three years separate imprisonment on account of each charge, not-withstanding the written apology tendered separately by Sheikh Abdullah, to the Maharaja Hari Singh.

The Muslim Conference leaders and workers on the other hand showed indifferent attitude towards the "Quit - Kashmir Movement". The Muslim Conference leaders sent out secret instructions to their units and cadres to keep away from the "Quit - Kashmir" Movement and to provide help and assistance to the State Government in dealing with the agitation. Choudhary Ghulam Abbas Khan of Muslim Conference went to Simla to apprise Jinnah of the development in Kashmir and sought his advice.

In July, the Muslim Conference leaders, called a special general convention of the Muslim Conference cadres and workers. The convention was held in Srinagar on 27th July, 1946 and continued till 30th July, 1946. In the special session, the Muslim Conference, out rightly condemned the "Quit Kashmir Movement" and branded it a conspiracy, which the National Conference leaders had hatched with the Hindu leaders of the Congress to divide and mislead the Muslims in the State. The Muslim Conference exhorted the Muslims to remain aloof from the Congress inspired "Quit Kashmir Movement", which was aimed to bring the Muslim under the domination of the Hindu majority in India. The Conference reiterated its demand for the institution of political reforms in the State on the pins, which the Conference had laid down in the "Azad - Kashmir" manifesto.

Choudhary Abbas Khan, declared that the annual session of the Muslim Conference would be held on 20th October, 1946 at Srinagar. The State Government reacted sharply and conveyed to the Muslim Conference leaders that in view of the disturbed conditions in the State and the existing prohibitory regulation still in force in the Kashmir province, the Government would not permit the Muslim Conference to hold the convention. The District Magistrate of Srinagar refused to grant permission. Later, a secret understanding was reached between the District Magistrate and the Mir Waiz that the session would be held for a short time on 25th October. During this session Choudhary Abbas announced that the Working Committee of the Muslim Conference had decided to defy the ban on the annual session of the Conference. Abbas declared direct action after some time, but he appealed to his followers to launch an individual Civil-Disobedience Movement to defy the prohibitory orders imposed by the Government. Choudhary Abbas, Allah Rakha Sagar, Moulvi Noor-ud-Din and Aga Shoukat Ali the General Secretary of the Conference were arrested immediately. However, Mir Waiz Yousaf Shah was not arrested.

On the advice of the Government, Moulvi Yousaf Shah, sent secret instructions to his cadres to desist from participating in Civil Disobedience Movement against the Government Choudhary Hamid Ullah who had taken over as the acting president launched a scatting attack on Moulvi Yousaf Shah and charged him of having a secret alliance with the Government. Hamidullah expelled Mir Waiz from the working committee and in turn Yousaf Shah dismissed Choudhary Hamidullah from the office of the working committee. The expulsion of Mirwaiz Yousaf Shah, broke up the Muslim Conference and destroyed whatever prestige and influence the Conference still enjoyed among the Muslims.

In August, 1946, the State Government decided to hold elections to the Praja Sabha. Most of National Conference members were put into prison. The National Conference

leadership, however, decided to contest the election due to the fact that it had suffered during Quit Kashmir Movement. A Central Parliamentary Board was constituted by the underground war council to direct the election campaign of the Conference. In the township and villages, local election committees were constituted to mobilize the Conference cadres for the election campaign. On the other hand the Muslim Conference leaders accused the Govt. of having pushed through the Sabha the public security act, which they alleged was aimed to suppress the aspiration of the Muslims in the State. They declared that the Conference had decided to recall their members from the Praja Sabha as a protest against the enactment of the public security act which was imposed by the State Government a few days after the elections were declared.[153]

Towards the middle of November, 1946, a number of members of Central Election Board of National Conference were arrested. Many of the Conference workers were arrested and in the towns and the villages the Government agencies tried to break up the election committees of the National Conference. The war council sent a deputation of the National Conference workers to Delhi to apprise Pandit Nehru and other Congress leaders as well as leadership of All India State's People Conference of the interference of the State Government in the election. Majority of the cadre of National Conference advocated boycott of the elections.

On November 30, 1946, Bakshi Ghulam Mohammad the acting president of the National Conference issued a Statement in Lahore, calling upon the Government to put an end to its repressive policies and to allow the conditions in the State to normalize the atmosphere, in view of the forth-coming elections to the Praja Sabha.

But the Government was apparently in no mood to normalize its relations with the National Conference. In the last

153 *The J&K Praja Sabha Debates, Vol XVII, 17th session of the 2nd Praja Sabha dated September 16, 1946, P 58-59*

week of November the Government issued a notifications, which fixed January 4, 1947 as the date for holding elections to the Praja Sabha. Nomination papers were scrutinized on December 19, 1946 and most of those forms presented by the candidates of National Conference were rejected. Eight nomination papers were filled against Mian Ahmad Yar, but all of them were declared invalid and Mian Ahmed Yar was returned unopposed. On the same day Bakshi Ghulam Mohammad, denounced the action of the Government and announced the decision of the Conference to boycott the election. The Standing Committee of the All India State Peoples Conference met in December, 1946. Nehru participated in the deliberation of the committee. The committee endorsed the decision of the National Conference to boycott the elections to the Praja Sabha.

On 20th February, 1947, the British Prime Minister Clement Attlee stated in the House of Common that the British had decided to transfer power to the Indians not later than June 1948.[154] The Congress working committee welcomed the declaration of the British Govt. on the other hand the reaction of the Muslim League was sharp. Mohammad Ali Jinnah announced that League would not yield to the demand for Pakistan. On 26th Feb, 1947 Liaqat Ali Khan made it clear that League would not accept any transfer of power unless the Muslim demand for Pakistan was conceded. Lord Wavell, the Governor General of India disapproved the decision of the British Government within a year and turned down the proposal and recalled Wavell back. In his place lord Mountbattan was appointed and he assumed his charge on 24th March, 1947.

During the period, the Congress leaders were annoyed with the ruler of Kashmir, over the issue of National Conference and its leadership. Hence in May the Congress leadership decided to send the Congress President Acharya Kripalani to Kashmir to make an assessment of the ground situation and to

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154 *Santosh Koul, **Freedom struggle in Jammu and Kashmir**, 1962, P 189*

persuade the Maharaja and his Government to adopt a policy of conciliation towards the National Conference. Acharya Kripalani reached Srinagar on 17th May, 1947 and met Begum Abdullah at her residence. On 21st May, 1947 addressing the National Conference workers at Mujahid - Manzil, Srinagar the headquarters of National Conference, he supported the movement launched by the National Conference for the freedom of the people of Jammu and Kashmir State. He added that the freedom of India was imminent and the people in the Indian States would also get their freedom with the freedom of the Indian people.

Acharya kripalani, met the Prime Minister of the State Ram Chandra Kak and even Maharaja Hari Singh and tried to persuade him to come to a settlement with the National Conference. Hari Singh totally refused to accept an agreement with the Conference. Finally, Kripalani returned Delhi, without having achieved any thing tangible.[155]

While the stalemate in Kashmir continued, changes of far reaching consequences occurred in India. Lord Mountbatton after long deliberations with the Indian leaders succeeded in persuading them to accept the partition of India and the transfer of power to two dominions i.e. India and Pakistan. The Muslim majority province of Sind, Bhuchistan, North-West frontier province and Muslim majority districts of Punjab, Bengal and Syllat, it was agreed that the Hindu and the Muslim members of the Legislative Assemblies of Sind, Punjab and Bengal would decide whether the province would join the dominion of Pakistan. It was also agreed that a referendum would be conducted in NWFD and Sylhat district of Assam to determine whether they would join Pakistan. [156]

The rulers of Indian States, mostly favoured independence after the lapse of paramountcy, obviously, unmindful of the geographical, economic and political implications which

155 Abid, PP 190-191
156 Abid, PP 192

independent involved. Many States declared to unite into separate dominions and assume independence. There were, however, a large number of States which were in favour of joining the Indian Dominion. Meanwhile, the Congress reacted sharply against the policies of the States, particularly, after the rulers of Bhopal, Hyderabad, Travancore made open declarations that their states, would assume - independence after the lapse of paramountcy. The ruler of Jammu and Kashmir State assumed complete silence on the accession issue. With the National Conference and All India States Peoples Conference leaders of the State were packed inside the prisons. There was little hope left that the ruler would join the Indian union.

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CHAPTER–VI

UNREST IN JAMMU (1931-47)

During the time of Maharaja Partap Singh, the first major step of improvement was taken in, 1889, when the "Jhelum Valley Cart Road", the most wonderful mountain road in the world, from Kohala to Baramulla was completed. It was extended to Srinagar in, 1897. In 1922, another great highway, the Banihal Cart Road, which connected Srinagar with Jammu, the winter capital of the State, was thrown open to the public.[157] Besides these highways, other roads .in the State, including those connecting Srinagar with Gilgit and Leh, were constructed. The impact of these roads on the life of the people of Jammu and Kashmir may be judged from the fact that before Partap Singh there was not a single wheeled conveyance including even a handcart. By the time Partap Singh reign came to close, motorcars became the principal means of conveyance. Besides construction of roads, several efforts were made to link the Valley with the railway system but nothing substantial came out owing to financial constraints. However, Jammu was linked to Sialkot in Punjab in 1890.[158] Needless to mention that the drive for improvemer.t first launched by Maharaja Ranbir Singh and the systematically pursued under Partap Singh, was carried further by new ruler Hari Singh.

Maharaja Hari Singh realized that social reforms had no value for men with an empty stomachs. In 1933 AD, Hari Singh granted proprietary rights to Assamis in Kashmir province and occupancy tenant in Jammu province.

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157 A R of 1923 - 24, P 52 ***Census of India,*** *1931, P 34*

158 ***Census of India,*** *1941, P 21 - 33*
A R of 1941 - 43, P 27

A Muslim officer, who had held various high posts in the State Government, had given his dispassionate views about the period and reign of Maharaja Hari Singh and the popular Governments that followed the autocracy in the lines quoted below :-

"It is wrong to think that the people of the State were happy in the reign of Maharaja Hari Singh and all the necessities of life were plenty and with in the reach of every person, but they were not certainly as unhappy as they find themselves today. Poverty and ignorance, was there, but they were content with their simple and unsophisticated mode of existence, when a contrast is made with the artificiality and corruption of modern life. They had some perception of the small inequalities in society, which they disliked but accepted as inevitable and unavoidable. The council of ministers, governed the State, on behalf of the ruler. There were no speeches and no ceremonies for opening a bridge, a school or a hospital. The ministers and other officers of the Government did not indulge in extravagance, for the fascination of the people on such occasions. There were no secret service agencies and secret funds, no plots and political intrigues. The Maharaja, was uncompromising in his independence and always rejected the idea of dependence on politicians by refusing to grant any concessions or other undue favours to them. Education was free, poor students with merit were given scholarships."

Maharaja Hari Singh, carried on efforts of land reforms in the State. Prior to 1933, land in Kashmir province and in frontier districts was held by Zamindars either the Haq-i-Assami or tenants holding directly under the State. The actual assamidars had all the proprietor's rights but with no right of alienation by sale or mortgage as the State was theortically supposed to be the real owner of the land.

Transfers, were however, permitted within the Municipal limits of Srinagar city and in the town of Anantnag, Pampore, Sopore, Baramulla, Bijbihara and Muzaffarabad.

Tenants-at-will held land subject to the will of the proprietor who could eject them at any time. Occupancy tenants had the right of occupancy of land, under a proprietor or an Assami. They could not be ejected without special reasons nor could rent in the land be altered, at the will of the landlord.[159]

In Ram Nagar, Basholi and Mirpur tehsils of Jammu province almost all the lands were owned by the State but the landlords were *Malguzars*. They enjoyed the rights of selling and mortgaging land. In other parts of Jammu province, the Government held some of the land and there were numerous occupancy tenants, in addition to tenants-at-will. The remaining lands in which the people enjoyed proprietary rights, were, however, shifted out for cultivating to tenants who had either occupancy rights or rights of tenants-at-will. But no occupancy tenant under the Government existed except in frontier districts.

For serving the interests of the State rulers, Chakdars, Jagirdars started sucking the blood of the poor and oppressed peasants, who had neither food for their stomach nor clothes for wrapping their bodies. The condition of the schedule caste and Harijans was worst in Jammu province. They were treated as serfs by the landlords and subjected to forced labour. With the emergence of new classes like Jagirdars Chakdars, Zaildars, Qiladars and Moneylenders, etc, the common poor men, mostly peasants, were subjected to untold miseries, worst kind of exploitation and torture. Such exploited persons were in Hindu, Muslim and Sikh communities, living in all the regions of the State. There did not exist any organized platform for uniting the exploited masses.

People were subjected to forced labour commonly called as "Begaar". They had to work forcibly for the ruler without any wages in cash or kind not even food or water for the period they were subjected to "Begaar". The poor cultivators were victimized by dragging them to Gilgit on "Begaar". Roads which were needed for conveyance and carriage to facilitate the ruler

159 *Ganga Nath, Op. cit, P 13, Glancy, B J Op. cit, P 15*

of the Maharaja, the traders and the landlords, were constructed extracting "Begaar" from common oppressed lot of people.[160]

In Jammu region the unrest mostly remained confined to Poonch-Mirpur belt, where Sheikh Mohammad Abdullah had very little influence over the masses. In those belts, Muslim Conference had always an upper hand and whatever little influences the National Conference had over the masses, was due to Mahatma Budh Singh and Sant Singh Teg.

The Socio-Economic unrest in reality was the Socio-communal unrest. Had it been Socio-Economic Unrest it would have involved whole of the Jammu region. The Mirpur-Poonch belt had been experiencing unrest as said earlier because that belt adjoined to Punjab where Muslim fundamentalism was traditional and historical. It would be in the fitness of things to draw a contrast with Hyderabad State, where the Hindus were in overwhelming majority and the ruler was a Muslim. The Hindus were at the same economic level, at which the Muslims in J&K were but the Hindus of Hyderabad never rose in revolt against their Muslim ruler.

In 1931, when Muslim Conference started "Jehad" against Maharaja Hari Singh, the Punjabi Muslims supported the party headed by Sheikh Mohammad Abdullah. The fundamentalist element of Muslim Conference spread propaganda in the villages adjacent to Punjab upto Mirpur.[161] The fanatic element among them started large scale killing of the non-Muslims, putting their houses on fire and even forced them to flee from their hearth and homes for safety. The violent communal disturbances, broke out in the district of Jehlum and Gujarat. The entire border belt from Mirpur to Muzaffarabad was seriously affected. During this turmoil the Mahajans and the money lenders were especially made target of communal frenzy. The non-Muslims in order to save their lives from the wrath of those communal

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160 S. M. Abdullah's speech in constituent Assembly on 31st March, 1952, J&K C.A.D., Vol. 1, P 296

161 D. M. Gupta, My Jammu and Kashmir, 2004, P 18

elements, took shelter in the towns of Mirpur, Kotli, Bhimber and Poonch. The Muslims religious preachers, began to deliver provocative speeches against the Maharaja inside the mosques. On the night of 31st July, 1931 (Friday) unruly mob from neighboring Punjab, shouting slogans of Allah-ho-Akbar, marched to Mirpur. The mob carried all kinds of weapons on the way to Mirpur. They burnt houses of non-Muslims, looted property and molested their women. Mirpur city was virtually under siege. Civil administration became ineffective due to communal riots. Ultimately, the besieged citizens decided to take action on their own. They took position on the rooftops alongwith Spears, Axes, Lathis, Stones and Arms. In their defence, they were actively encouraged by *Ghore Wala* Baba, a local saint. The Baba, alongwith few Police personnel went round the streets and encouraged them. The people in the town numbering ten thousand, were out numbered by the rioters who were pushing ahead with the beating of drums and blowing trumpets. All of a sudden, one regiment of Gurkha soldiers arrived in the town of Mirpur, on their way to Kotli through the Jehlum Mirpur route. The Jawans of the regiment were deployed at the Elephant Gates of Eastern-Western side of Mirpur, from the defence point of view. The news about the arrival of regiment spread like wild fire and the slogans and the riots were forced to come to halt. On their way back, they attacked the non-Muslim villages of Samwal, Pindi, Sabbarwal, Alibeg etc. Had the Gurkha regiment not arrived in time; the rioters would have succeeded in perpetuating a large-scale massacre.

In the history of Jammu and Kashmir, the riots of 1931, were remembered as the "Shorash-of-88" i.e. Vikrami Samvat 1988, particularly by the people of Mirpur - Poonch and Muzaffarabad regions. During those days the non-Muslim money lenders were made targets. The local people of the majority community, burnt all the pronotes and relevant record of mortgage deeds etc. After destroying all the relevant record, the rioters plundered their shops. However, in the year 1932,

the Maharaja Hari Singh crushed the rebellion and brought situation under control. The non-Muslims were re-established in their villages and their lands were returned to them. Loans and grants were sanctioned for the construction of houses and re-establishment of shops.[162]

In the fourth session of fist Praja Sabha on March 16, 1936 Mirza Atta Mohammad (Reasi Wazarat Muslim) moved the resolution that the peasants of district Reasi should be exempted from the payment of the grazing tax. He asserted, that, in Reasi district fee was being realized in three forms, the first grazing fee, second, the fluctuating fee and third in the shape of custom duties on manure, hides, ghee, bones etc. At the time of cattle census in the villages of Jammu province an amount had been fixed to be charged as grazing fee. But later, the number of cattle heads decreased in villages but the grazing fee, remained the same as before. Obviously, no heed was paid to the interests of the villagers. The second form of grazing fee, namely the fluctuating one was realized from peasants who carried their cattle to the mountains to the Kashmir Valley or to the reserved *Dhars*. The third form of grazing fee, was the excess amount of land revenue charges for manured land, ghee, bones, hides etc. It also stressed the need of supplying chemical fertilizers to the illiterate and poor peasants. Sardar Budh Singh, supported this resolution. But it was an unfortunate event indeed that Pandit Anant Ram, the Revenue Minister, opposed the resolution and stressed the need of retaining the grazing fee. At last, the resolution was put to vote and it was lost by ten votes (38 to 28 votes). Sheikh Mohammad Amin's voting paper bore both "Yes" and "No" and was declared invalid.[163]

In the Autumn session on October 5, 1936, the leader of the Kisan party repeated his opposition to the Food Control Amendment Bill. Sardar Budh Singh, the leader of the Kisan

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*162 **Ibid**, PP 18 - 19*

163 The J&K Praja Sabha Debates. 4th session of the first Praja Sabha, dated March 16, 1936

Party who had been elected from Mirpur - Poonch constituency suggested that the House should refer the bill to the people for eliciting their opinion, before it was introduced in the House. Mirza Mohammad Afzal Beig, supported Sardar Budh Singh claiming that the bill had already been referred to the people and that 256 opinions had been received against it and 107 in its favour. However, it could not convince the treasury benches and hence for the resolution moved by Sardar Budh Singh was then put to vote. It was defeated by forty one to twenty four votes. Therefore, the Revenue Minister was given leave to introduce the bill, which was finally passed by the official and nominated non-official majority against the wishes of the elected representatives of the people.

Revolt in Poonch

Poonch was originally a small hilly State, ruled over by Raja Rohullah Khan who rebelled against Maharaja Ranjit Singh in, 1814. Later on, Gulab Singh handed over the Poonch State to his nephew Dhian Singh. After 1847, enemity between the two Dogra Houses of Poonch and Jammu grew up and the Poonch State was reduced to a tributary State of Jammu and Kashmir State. However, the Raja of Poonch maintained a standing army of 1200 with a battery of guns. At the time Hari Singh was made the Maharaja of Jammu and Kashmir, the Raja of Poonch, advanced his claims for the throne but the matter was adjudicated against him. Since then, Hari Singh began his moves to bring down the Raja of Poonch to the position of a petty Jagirdar. The Raja of Poonch, felt helpless and he made up his mind to encourage Muslims so as to obtain their support. Meanwhile, he motivated a young man from the Sudhan clan namely Sardar Mohammad Ibrahim Khan and brought him up as his son and provided all expenses of his education in England. The people of Poonch Jagir had no other, source of employment, except to serve as soldiers in British army. The Sudhans virtually descendents of Sudhan Brahmins of Sadnuti Tehsil of Poonch Jagir, later on embraced Islam and sought employment in the

rank and file of the British army and proved themselves as fine soldiers during world war II. According to an estimate, the Poonch Jagir, had provided 60,000 soldiers to the British army.

During the "Quit Kashmir Movement" the Poonchis raised the banner of revolt against the Maharaja, who deputed his military forces to suppress revolt against him. Hari Singh, dispossessed the Raja and established his direct rule in Poonch Jagir. In order to establish his authority in the region, the Maharaja Hari Singh, appointed his Governor at Poonch who imposed many tyrannous taxes on the people. There was a tax on every hearth and every window. Every cow, buffalo and sheep was taxed. Disaffection among the Poonchi Muslims was ripe for many years as they were over burdened with taxes, including the school tax, the road tax, the cleanliness tax and the others. The inhabitants of Poonch were predominantly Gujjar Muslims. Their leaders had established contact with the Muslim league at Rawalpindi and its branches along the river Jehlum. A critical situation had started developing in the Sudhnuti tract of Pooch Jagir. That part being an important recruiting ground for the Indian Army provided 40,000 soldiers who had served in the British-Indian Army during the world war - II. Those ex-servicemen were discontented due to the economic reasons, mentioned earlier. The unemployed rebels with military training and experience, soon became the nucleus of the so called "Azad Kashmir liberation movement." During April 1947, Maharaja Hari Singh accompanied by Major General Scott, the Chief of the Staff of J&K State forces visited the disturbed areas of Poonch Jagir & Jafley, Mirpur, Jhangar, Kotli, Hajira and Rawalakot from 21 to 25 April 1947 and it had comforting effect on the local inhabitants.[164]

Tehsils of Poonch Jagir e.g. Haveli, Sadnuti, Mendhar and Bagh, were also reeling under economic problems due to illiteracy, unemployment ignorance and rural indebtedness. The population of that areas also joined hands with their comrades

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164 Lamb Alastair, Crisis in Kashmir, Delhi, 1967 P 37

fighting against injustice and tyranny. The brave and the warrior people of Bagh in Poonch Jagir, who resisted the dynastic rule, were crushed with iron hands and their leaders publically hanged at Srinagar, a place located between Poonch and Bagh. Some other leaders of the resistance movement, namely, Malti Khan and Sabz Ali Khan, were also publically hanged on a tree at Srinagar and skins removed and filled with chaff and exhibited apparently for creating terror amongest others. Shams Khan, another rebel against the Maharaja rule, was also eliminated. The Mangrals of Kotli, the Ghakars of Mirpur, Jarals of Rajouri and Chibs of Bhimber gave fights to the Dogras but they failed due to their limited power. One of the tribal Chief was Raja Sultan Khan of Bhimber. By deception, he was invited by Jammu Darbar to Jammu, where he was arrested and blinded. He was kept as a prisoner in Bahu Fort and afterwards Gajpat Fort, popularly known as 'Kala-Pani' of the State at that time. The remains of Gajpat Fort can be seen on Jammu - Srinagar highway opposite to Chander-kote village near Ramban, across the Chenab river. The hill where the Gajpat Fort was constructed was surrounded from two sides by river Chenab and one side by steep waterfall having a small passage on the top of the hill, towards North on the fourth side. Any person lodged in Gajpat Fort could not escape to liberty. Any effort to flee or escape meant sure death. Raja Sultan Khan of Bhimber was ultimately killed in the fort. His grave is even now, in fact, in village Chandrakote and is revered by the locals of the area.[165]

In Poonch Jagir, the revolt against the Maharaja was led by no other person than Sardar Mohammad Ibrahim Khan who had been nourished by the Raja of Poonch for avenging the Maharaja.

Non-Payment of Land Revenue Movement

The peasants were forced to pay 12.5% of their produces as land revenue. With the fall of the prices of local grains, the farmers who were already subjected to the exploitation of the

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165 Justice R. P. Sethi, Commentary on the Constitution of J&K, 2005, P 54

Jagirdars and money lenders became incapable of paying the land revenue. Taking moral and political support from the Ahrar movement started for the people of the State, they resolved to commence the 'Civil-Disobedience Movement'. In a public rally held on 25th December, 1931 at Jammu, Sardar Gohar Rehman Khan, who had been appointed as the dictator of the movement, declared the launching of the agitation initially in the shape of non-payment of land revenue. To suppress the rising movement of the Non-Cooperation, the Maharaja, issued notification No. 12 of 1988 Bikrani (1932 AD) imposing the restriction on the assembly of more than five persons. In the district of Mirpur the movement was led by Raj Mohd Akbar Khan, leader of the working class, particularly the peasantry.[166]

On 10th January 1932, the armed forces of the State under the supervision of Lather, IGP, Raja Afzal Khan Governor of Jammu and Sardar Akaram Khan Wazir-i-Wazarat raided the village Andra near Mirpur and for non-payment of the land revenue, seized the properties of the alleged defaulters. One farmer Gulab Din was killed by firing. Raja Mohd Akbar khan, Moulvi Abdullah Siakhwi, Haji wahab-ud-Din, Ghazi, Allahi Baksh and Ch. Sahib Din, the leader of the movement, were arrested and sent behind bars. The movement got communal twist in the absence of responsible leadership and the people started looting the properties of the moneylenders and landlords who were Hindus. The communal riots, spread upto Rajouri, Kotli, Poonch and Bhimber. Maharaja Hari Singh approached the British Govt. for help and as a result British army was deployed at Mirpur on 30th January, 1932 with an English administrator. During that period the people were subjected to repression while effecting recoveries of the unpaid land revenue. The farmers were forced to abandon their homes to save their lives, dignity and honour.

'ROTI' AGITATION IN JAMMU

The prices of food stuffs in the State had risen after the out break of the World War-II. In Kashmir province, food stuffs

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166 Ibid, PP 56

were rationed and the prices of the food grains were subsidized by the State Government. Small quantities of grains were also distributed among the poorer section of the people on nominal prices under the "Ankoot" system. "Ankoot" was an age-old practice in Kashmir, according to which the rulers of the province distributed quantities of food grains among the poorer section of the people during famine and period of scarcity of food. In Jammu region "Ankoot" was not in vogue and food grains were not rationed nor were the prices of the food grains subsidized.[167]

During the summer of 1943, the prices of food grains in Jammu region were shortly enhanced. The Government failed to regulate supplies of food stuffs in the Jammu province with the result that entire province was gripped by famine. Jammu city was the worst effected. The hungry people ate leaves of trees, roots and even shrubs. Within days a severe Cholera epidemic broke out in the city and hundreds of people died as a result of it.

The National Conference, the Muslim Conference, the Hindu Rajya Sabha and the Congress Committee in Jammu constituted a joint front to fight the famine.

On 22nd August, 1943, just after the inauguration of the Royal Commission of Enquiry the front gave an ultimatum to the Government to take immediate steps to improve the supplies of food grains in Jammu. In the interior of the province, the situation turned worst. There were widespread and frenzied demonstration against the State Government all over Jammu. The Revenue Minister Himmat Singh, promised immediate help to the leaders of the joint front and returned to Srinagar. However, no measures were taken to send succour to relieve distress of the people of Jammu, though the State Government had adequate reserve of food grains in Jammu and Kashmir provinces.[168]

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*167 Santosh koul, **Freedom struggle in Jammu and Kashmir**, 1962, P 116*
*168 **Ibid**, PP 117*

The State administration, was in no mood to tolerate the interference of various political organizations to politicise the situation in Jammu region. The official machinery were agitated over the wide spread demonstration of the people against the Government. On 22nd September 1943, while the Jammu city was smouldering in famine and cholera, the administration struck and arrested two senior leaders of the Hindu Rajya Sabha including Gopal Dutt Mengi and Kaviraj Vishnu Gupta alongwith a number of other men. The arrest of the leaders threw a wave of resentment among the people of Jammu. There were further demonstrations all over the Jammu city against the arrest of the Hindu leaders. The educational institutions and the trading and business centres were closed. Huge procession of people paraded in the streets shouting, "Give us bread" and "Down with Himmat Singh". During the following night the administration arrested more people including the leaders of the Muslim Conference.

The public agitation, against the Government continued unabated the next day also. The State police restored to batton charges to disperse the mobs in the streets. The demonstration turned violent and retaliated in anger. A number of official vehicles were burnt in the fracas. Late in the evening of 23rd of September, the Governor of Jammu imposed Rule 50 of the Defence of the Jammu and Kashmir State Rules, in Jammu city and banned all processions and meetings within the limits of the city and its adjoining areas. The town was handed over to the military authorities. Wide spread arrests were made during the night of 23rd September, 1943. The news of the fresh arrests spread like wild fire. The next day people came out on the streets and huge mob squatted round the city police headquarters and other public offices. The police resorted to repeated batton charges to disperse the mobs. The demonstrators struck back in anger. The troops who had been called out to assist the police, opened fire on the procession of angry demonstrators which was converging on the centre of the city. Seven of the

demonstrators were killed on the spot and number of others were seriously injured.[169] Two people died of their injuries later on. The crisis shook the State Government. Hari Singh, ordered two hundred thousand maunds of rice to be rushed from the adjoining township of Kathua to Jammu. The flour mills in Jammu city were taken over by the Governor of Jammu.

The ruler prorogued the first session of the Rajya Sabha, which was scheduled to begin from the 25th September 1943. The Prime Minister and the Revenue Minister of the State were instructed to proceed to Jammu to supervise the relief operation there. A commission of enquiry was appointed to investigate into the causes of the firing. On 26th September 1943, the people of Jammu carried the mortal remains of the people who had fallen in the firing on 24th of September, to their last abode. The Hindus were cremated near the palace, where, the Muslims were lowered into their graves. A martyr's memorial was later built over the place.

The *Roti* agitation in Jammu and the consequent firing in the Jammu town had serious reprecussions in the Kashmir province. Mass meetings were held all over the Srinagar against the police firing in Jammu. The food shortage was acute in Kashmir province as well and widespread demonstration occurred in Srinagar and other towns against firings in Jammu. The Government moved in quickly and ordered for the increase in the rationed quota of the food grains and extended "Ankoot" distribution to other town ships of the province. Meanwhile, section 50, of the Defence of Jammu and Kashmir Rules was promulgated in Srinagar and processions and public meetings all over the province were prohibited.[170]

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169 Ibid, PP 118
170 Ibid, PP 119

CHAPTER–VII

PARTITION OF 1947 – THEIR IMPACT

The British Government, decided to grant independence to India vide announcement made on 20th February, 1947.[171] In the Statement issued on 3rd June, 1947 the British Government decided for the creation of two independent dominions out of the existing provinces of British India. The Muslim majority areas were to form part of the dominion of Pakistan and the rest as the dominion of India. The Indian Independence Act, 1947 as enacted by the British Parliament, provided that as from the 15th day of August, 1947 the two dominions shall come into existence. The princely Indian States were given the option to exceed to either of the dominions before 15th August, 1947. Most of the princely States of the continent exercised their option with in the specified time but Maharaja Hari Singh, failed in the exercise of his option within the stipulated period. It appeared that the Maharaja wanted the State of Jammu and Kashmir to be an independent State with him as a monarch of most vital, strategic, sensitive and important State in the Central Asia. It is further Stated that Maharaja was misled by his, the then Prime Minister Pt. Ram Chander Kak, to defer the decision of accession and buy time for having a political settlement of the State with royal powers. He offered to have a standstill agreement with both India and Pakistan. The Government of Pakistan readily accepted the offer, but the Government of India declined. But Kak was not to continue for long as Prime Minister. His services were terminated and Janak Singh, a relation of the Maharaja took over

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*171 Santosh koul, **Freedom struggle in Jammu and Kashmir,** 1962, P 189*

as Prime Minister in the stop gap arrangement. Finally, Mehar Chand Mahajan was tipped as Prime Minister of the State.[172]

Mohammad Ali Jinnah known for his emotional attitude and hasty decisions changed his mind and wanted to usurp the Muslim majority State to the dominion of Pakistan. Jinnah, was bent upon to grab Kashmir. Although Jinnah was lucky enough to get Lahore and its suburbs for Pakistan, surprisingly yet he was not prepared to lose Kashmir, which he had termed as a blank cheque in his pocket. India getting a foothold on the land, connecting her with Kashmir, had worried Jinnah. He, therefore, wanted to communalise the accession issue and to create anarchy in the State in order to snatch or annex it forcibly before it is too long.

The Blockade

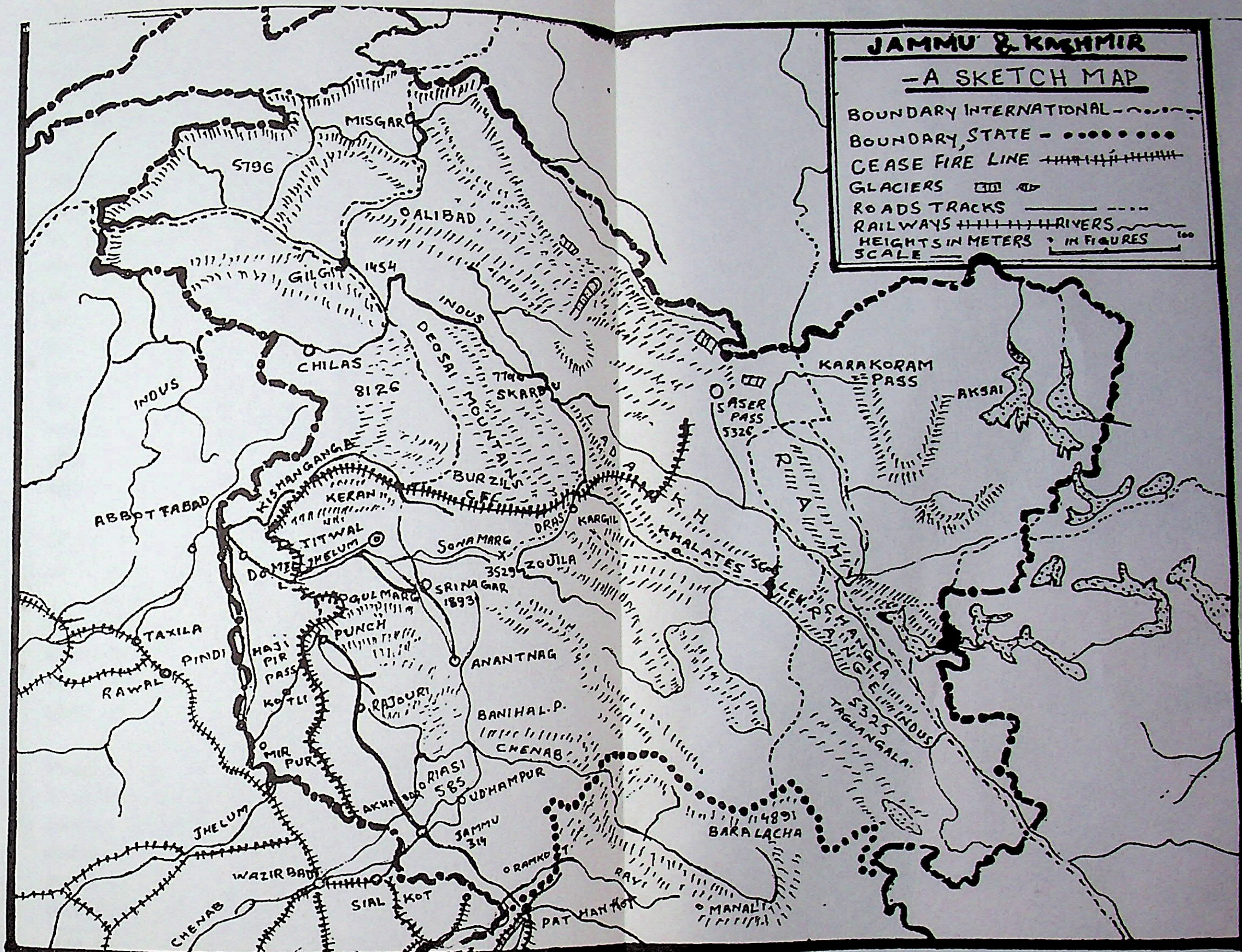
Unlike most of the rulers of princely States in India, Maharaja Hari Singh of Jammu and Kashmir found it difficult to decide on the issue of accession before the formal lapse of British Paramountcy. He instead made an offer of a Standstill Agreement to both India and Pakistan on 12 August, 1947. Whereas, no agreement was singed with India prior to the State's accession on 26 October, 1947, the same was executed with Pakistan. The postal and telegraph facilities in the State were placed under the control of Pakistan Government, which promised to continue the existing arrangements by which the State imported rice, wheat, cloth, ammunitions, Kerosene oil and Petrol from west Punjab. However, soon after Pakistan came into existence, its rulers put into operation plans to force the Maharaja to accede to Pakistan.. The strategy for achieving this was a multi-pronged approach based on armed invasion, subversion by Muslim population of the border areas including the military personnel and economic blockade of the State.[173]

The economic strangulation was carried out effectively and in a well planned manner. Against four months quota of

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172 Ibid, PP 197

173 Dr. S. S. Blowria, Struggle for Himalyan Heights the battles of Zojila (Unpublished thesis) P 25



JAMMU & KASHMIR
-A SKETCH MAP
BOUNDARY INTERNATIONAL
BOUNDARY, STATE
CEASE FIRE LINE
GLACIERS
ROADS TRACKS
RAILWAYS
RIVERS
HEIGHTS IN METERS IN FIGURES
SCALE
MISGAR
5796
ALIBAD
GILGIT
1454
INDUS
CHILAS
8126
DEOSAI MOUNTAINS
7790
SKARDU
INDUS
KARAKORAM PASS
SASER PASS
5326
AKSAI
KISHANGANGA
KERAN
BURZIL
CFL
LADAKH
DRAS
KARGIL
KHALATES
ABBOTTABAD
TITWAL
JHELUM
SONAMARG
3529
ZOJILA
DOMEL
GULMARG
SRINAGAR
1893
LEH
CHANGLA
RANGE
TAXILA
PINDI
RAWAL
HAJI PIR PASS
PUNCH
ANANTNAG
KOTLI
RAJOURI
BANIHAL.P.
5325
TAGLANGALA
INDUS
MIR PUR
CHENAB
RIASI
585
UDHAMPUR
AKHNOOR
4891
BARALACHA
JHELUM
JAMMU
314
WAZIRBAD
SIALKOT
RAMKOT
RAVI
MANALI
CHENAB
PATHANKOT

rice indented, only one months stocks were released. Two months requirement of wheat were withheld. Bales of cloth lying at Rawalpindi were not allowed to be moved. The stock of salt, petrol and kerosene were also placed under embargo. By mid-September railway service from Sialkot to Jammu, the only rail link the State had with out side world was suspended. 5000 number of post offices, under Pakistani control, refused to make cash transactions. Similar restrictions were placed on the banking activities and remittance of money from Lahore currency office for the Srinagar branch of the Imperial bank were stopped. Repeated request and demonstrations by the State Government to Pakistan highest authorities brought no relief. Pakistan initially feigned innocence and expressed inability to send supplies due to "reluctance of drivers and it was impossible for (Pakistan) to spare troops for this escort." Shortly afterwards Pakistani response to the State's communication became offensive, protesting against alleged atrocities by the State forces against the Muslims of Poonch and even threatening.

Due to this economic and commercial blockade, the people of the State, suffered considerable hardships and the normal economic activities came to a stand still.

Shortage of essential commodities also adversely affected the efficiency of the State administration. Conditions were made even more difficult by the communal disturbances, which broke out in the two Punjabs after the announcement of creation of partition.

The Communal riots in the border areas of Jammu and Punjab started in the early Autumn of 1946, soon after the Muslim league had announced its direct action programme. In January 1947, the Muslims of the Black Mountain area of Hazara district, now in Pakistan attacked the Hindus villagers.[174] As a result hundreds of Hindus were killed and many other fled their homes. Jinnah sent armed tribemen followed by regular

*174 Lt. Gen. Palit, D. K. (Retd.) **Jammu and Kashmir Arms**, 1975, P 154*

Pakistan army to make forcible entry into the State territory to capture it after creating pell mell and chaos. They entered the State from different corners and provoked and instigated the local Muslims against the "Kafir" Maharaja in order to seek annexation of Kashmir with Pakistan. Wherever they entered and reached, atmosphere was surcharged with communal tension and violence. They killed large number of local Hindus and Sikhs and the rest tried to flee to safer areas. Instances and woeful tales of tyranny, loot, arson and countless killings made the atmosphere all the more communal.

There was a large influx of non-Muslims refugees into the south and southwest parts of the State. This area became a channel for the passage of Muslims refugees moving from East to West and for non-Muslims moving in the opposite direction. Though the local population of the State was by and large free from communal virus, the streams of refugees brought horrifying tales of suffering and inhuman treatment meted out by members of other community.[175] This put an unbearable strain on the fabric of communal amity. Pakistan mounted a very effective propaganda campaign, ably assisted by elements of Muslim Conference in Mirpur-Poonch belt. In the frontier areas, Muslim soldiers in the State army were incited, to rebel against the Hindu Maharaja and to murder their neighbours of the minority community.

Unrest in Tehsil Bagh of Poonch Jagir which was free from any economic evils was purely communal. There were no money lenders. The unrest had virtually its roots in "Aap Raji" or law of the jungle which was prevailing in Tehsil Bagh and Rawalakot areas, before Dogra rule. A handful of Hindus & Sikhs were living there in constant fear of the Muslim population. The survey conducted revealed that the non-Muslim population of that belt used to spend wakeful night on their rooftops in sheer fear and panic.

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*175 Pyarelal koul, **Kashmir war or peace**, 2003, P 107*

However, the situation suddenly changed when after 14 August, 1947 (independence Day of Pakistan) violent communal disturbances broke out in the district of Jehlum and Gujarat in Pakistan and the inflow of refugees into J&K State started again. In Mirpur district, local Muslims started preaching 'Jehad' openly and resorted to looting and burning of the properties of their non-Muslims neighbours in an organized manner. Civil administration, became virtually defunct due to communal riots. Tehsildars, could not move out in their areas and village headmen had ceased to send in reports. The entire border region from Mirpur to Muzaffarabad was seriously affected. The Poonch rebels soon established contact with the tribal Pathans in Pakistan for securing locally manufactured arms. It was a civil war like situation on this side of the border. Apparently, Pakistan's grand design was to draw out the State forces from Jammu and Kashmir to those out-posts in Poonch – Mirpur sectors in preparation for the invasion of the Valley by the Pak army and Tribal in October, 1947. By the end of September, the Poonch uprising had effectively undermined the Maharaja's authority in those outlying parts of the State. The whole border from Chachian to Manawar had become sensitive due to the massacre of non-Muslims in adjoing Pak districts of Gujarat and Jehlum. So yet another wave of Sikh and Hindu refugees began to cross into J&K State. The raiders entered the Jammu province from the Pak district of Sialkot where they had some well organized base.

The communal problem actually erupted at Rawalakot in Poonch area on 22 August and soon *Jathas* of Muslim population set about attacking non-Muslims in the Bagh – Rawalakot area, as also engaging detachments of the State forces with arms and ammunition sent from Pakistan. Similar incidents took place in Mirpur, Bhimber, Kotli towns and the villages around in a coordinated and sequential manner.[176]

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176 Dr. S. S. Blowria, The battle of Zojila - 1948 (Unpublished thesis), P 27

On 29 August, the Maharaja received a telegram from Raja Yakub Khan on behalf of the public of Hazara, alleging attacks on Muslims in Poonch and informing him that Hazara Muslims were much perturbed. Through this telegram Raja Yakub Khan threatened to enter the State fully equipped with arms to fight the State forces.

The British chief of the staff of State forces Maj. Gen. H. L. Scott, gave his assessment of the situation to the Maharaja in a note on 22 September. The gravity of the ground conditions and Pakistan's involvement in the disturbances clearly becomes evident from the following excerpts of the report :–

"A survey of the recent tendencies and event leaves little doubt that the Muslim Conference leaders intend to push forward their policy of the Union of the State with Pakistan by force, if necessary. There can be little doubt - that a close alliance is intended, if not already formed between Muslim Conference leaders and the excited and fanatical agitation across the State borders to the West - on the southern borders of the State, the Muslims have massacred, driven out and looted the Sikhs and Hindus - are likely to be ready for fresh adventures. Even more dangerous than these are the many thousands of Muslim refugees that have passed into the district of Jehlum, Gujrat and Sialkot from the East. These have lost much and, no doubt, are prepared to recoup themselves at the expense of any one, they are in a position to attack. Revenge and fanaticism must be equally strong motives. There are few indications that the Pakistan authorities are making efforts to restrain their people. Infact, the contrary may be said to be true. There can be little doubt that the Pakistan Police and troops are not reliable.

A series of measures were undertaken to meet the situation by Brig. Rajinder Singh, soon after taking over as Chief of staff of the State forces, orders were issued for evacuation of all civilians living within 4 – 8 kms of the border and for the troops to take up defences on strong positions in Bagh,

Rawalakot, Poonch, Kotli, Mirpur, Jhangar and Noweshra.[177] As those orders were being implemented, Pakistanis attacked the small garrisons of the State forces at Thorar, Tain and Mang in Poonch sector on 1 October. Chirla was also besieged simultaneously. The offensive activities started in Mirpur sector on night 8/9 October. Raids by Pakistanis also took place at the same time in Jammu sector, with attack on Babiya post on the night of 8/9 October. Those attacks, soon spread all along Southern borders from Akhnoor to Kathua. However, those attacks were contained by the State troops without sustaining any significant losses.

The situation in Mirpur - Poonch belt deteriorated rapidly. The State forces were now pitted against well-armed raiders all along that belt. The attackers were not only better armed but were frequently assisted by batches of men in Pakistan Army's uniform. Light machine guns and communication by wireless had begun to appear in hostiles ranks. Fort Owen had to be evacuated on 15 October, Kotli – Poonch axis was cut off and large concentrations of raiders were seen and heavy exchange of fire was going on around Bhimber, Mirpur and Kotli. The Pakistani attack over a wide area of that frontier succeeded in splitting up the State force in penny - Pockets. The State's army was being gradually immobilized and its capacity for coherent strategic action destroyed" the stage was then set, for the entry of raiders into the Valley and execution of the final phase of the plan i.e. capture of Srinagar.

In 1947, the population of the State was about four million, living in 39 towns and 8903 villages. The large area was divided into three political and administrative provinces of Jammu, Kashmir and Ladakh including Gilgit and frontier areas of Skardu.

The territorial extent of the State, stabilized towards the end of the nineteenth century, did not undergo any change for the next half a century, except, technically in respect of Gilgit

177 Ibid, PP 28

which was transferred to British control on lease for a period of 60 years from 1 August, 1935.[178] The sole responsibility for the administration and defence of Gilgit was transferred to the British Government, which raised an irregular force, the Gilgit Scouts, commanded exclusively by the British officers. As a result of this agreement, all troops of J&K State in Gilgit area were withdrawn. Consequently, the number of out post on this frontier required to be maintained by the State forces was reduced to just four point viz Bunji (one company) Leh (one platoon) Kargil (one section) and Skardu (one platoon). Troops for those out posts were to be provided by the battalions located at Srinagar, by rotation. The lack of presence of the State troops in Gilgit was to become a critical factor in the sequence of events, which, took place sixteen years till 1947.

With the announcement of the Mounbatten plan on 3 June 1947, the British paramountcy over the Jammu and Kashmir State was to lapse on 15 August, 1947 and with that the lease deed over Gilgit became redundant. The arrangements for handing over the Province back to the State were finalized by the two Governments. The State Government appointed Brig. Ghansara Singh to be the Governor of Gilgit. He flew to Gilgit on 30th July 1947, accompanied by Maj. Gen. H. L. Scott, Chief of the Staff of the J&K State Force and took over the administration from Lt. Col. Bacon, the British Political Agent on 1 August 1947. Maj. Gen. Scott, on his return made a report to the Maharaja. He informed the ruler that the British Officers of the Gilgit scout had decided to join Pakistan. Thus the boundaries of the State in that sector were in the custody of the personnel whose loyalties lay elsewhere. However, no steps were taken by the State authorities to remedy the situation. Short of troops and material support, efforts of the Governor to assert his authority and integrate Gilgit with the rest of the State, did not produce the desired results. In fact, in view of the prevailing circumstances, any efforts were doomed to fail.

178 Ibid, PP 21

Virtually, the process of subversion had been set in motion even before 15 August, 1947.

Till 1889, the State of Jammu and Kashmir had maintained a large force of its own whose strength varied from 30,000 to 60,000. However, later the strength was reduced considerably due to political considerations and limited financial resources. In 1946, the total strength of J&K State forces, including the imperial service troops was 9065.[179]

Upto 1940 - 41 the State had maintained 16 units of its forces having drawn their recruits mainly from the Rajputs, Dogra, Muslims, Sikh Jats and some Gorkhas. Some units such as J&K Body Guard Cavalry Regimens, 1st J&K Infantry, 5th J&K Light Infantry, 8th & 9th J&K Infantry consisted of Dogra Rajputs. Some units such as the 1st and 2nd J&K Dogras, Military Transport Unit and around fifty percent Dogra Hindus and fifty percent Dogra Muslims. While the 7th J&K Infantry had fifty percent Kangra Rajputs and fifty percent Jat Sikh. 2nd & 3rd J&K Rifles had fifty percent Dogra Muslims and fifty percent Gorkhas.[180] The J&K Forts Guard, Wireless Section and the State Band had mixed recruits.

Needless to mention the military set up in J&K comprised an Army Headquarter at Badami Bagh, Srinagar and four brigades. The army HQs was headed by the Chief of Staff, who normally used to be a retire British officer, Maj. Gen. H.L. Scott CB, DSO, MC was the last British chief of the staff and was subsequently succeeded after independence by Brigadier Rajinder Singh of J&K State Force. The Army HQ also had an adjutant General and a Quarter-Master General. The four brigades were the Jammu Brigade, the Kashmir Brigade, the Mirpur Brigade and the Poonch Brigade. Those four brigades, between them, had only eight infantry battalions, with some garrison, police companies and animal and mechanical transport. Medium machine guns were an integral part of an infantry

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*179 Gupta Dr. K. L.; **Op cit**, P 154*
*180 **Ibid**, PP 209*

battalion. The State force had no artillery or Armour. The army was dependent on local contractors for supplies and on the arsenals, in the then Northern Command HQ Rawalpindi, for arms, ammunition and equipment. There was wireless link with Rawalpindi, but none with New Delhi.[181]

The Forces

The decision to partition British India into two sovereign States set the State for the lapse of British paramountcy in the Indian sub-continent, with the creation of Pakistan on 14 August and grant of independence to India on 15 August, 1947. The whole process was set to be completed in less than two and half months, starting from the unveiling of the Mountbatten Plan of 3 June, 1947. Like all other possessions of the erstwhile Government of India, the division of the army also took place, with roughly two third assets, including about 2,80,000 personnel of all categories, coming to India's share.[182] The fighting component of this army consisted of:

i) Fifteen infantry regiments including the Gorkha Rifles comprising of 1st, 3rd, 4th, 5th, 8th and 9th Regiments.
ii) Twelve armoured regiments
iii) Eighteen and half regiments of artillery of all types.
iv) Sixty-one Engineer units organized into Madras, Bengal and Bombay Engineer group.

Delhi and East Punjab (DEP) command was created on 15 September 1947, to be later renamed as Western Command. Lt. Gen. Sir Dudley Russell, KBE CB, DSO, MC took over as its first GOC-in-C.

The old Northern command HQ at Rawalpindi, after being suitably augmented by staff arriving from the General HQ at Delhi, became the Pakistan Army HQ or GHQ and ultimately moved to Karachi. Lt. Gen. Sir Frank Messervy, KCSI, KBE, DSO was nominated as the first Commander-in-Chief of Pakistan

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*181 S.N. Prasad and Dharam Pal, **History of operations in J&K (1947-48)**, New Delhi, 1987, P 11*

*182 L. J. Kavic **India's Quest for security; Defence Policies 1967**, P 241*

on 30th July 1947. In addition to HQ and formations, Pakistan received following combat and supporting Arms.[183]

i) Six armoured regiments.
ii) Eight infantry regiments accounting for thirty-three battalions.
iii) Eight artillery regiments of all types.
iv) A major portion of one engineer group.

Any comparison of relative strength of the armies of two countries, especially in the context of the operations that took place in J&K, would be misleading. The two armies were not fully involved in any struggle for supremacy and only segments, proportionately much smaller in the case of Indian army, took part in the fighting during 1947-48. Also whereas, the strength of India's armed forces fighting in J&K is known, a quantification of Pakistan's army involvement in terms of total effort involved is not possible. However, there were deserters of State forces, Hazara Afridi Tribesmen, irregular forces like the Gilgit Scouts, Muslim League National security guards and Pakistani army personnel on leave were involved in the armed struggle with State forces.

Fall of Jhangar

The raiders tested their first success when they captured Jhangar in early October, 1947. Jhangar, was strategically important as it lay on their route from Mirpur to Kotli and Planderi. Success at Jhangar encouraged the raiders to capture Noweshra. The Kalsian village was their headquarter from where they conducted their operations. According to an estimate of Brigade Commander Usman of 50 Para Brigade, at least 2000 raiders must have been killed, by the State forces at Jhangar, in those days.[184]

Rajouri Massacre

Next to fall was Rajouri. It is approximately 30 miles Northwest of Noweshra and lies on the old Mughal road to

183 *Lt. Gen. Vijay Madan, Jammu and Kashmir operations, 1947 - 48, PP 302 - 303*

184 *Lt. Gen. D. K. Palit, Jammu and Kashmir Arms, Dehradun, 1975 P 160*

Kashmir. Before these disturbances occurred, Rajouri had about 4,000 inhabitants, many of whom were rich businessmen. When the raiders forced their way across the border, in October 1947, Hindus & Sikhs from nearby areas sought shelter in Rajouri town, whose population, swelled upto 12,000.[185] By the middle of November, 1947 Rajouri town was surrendered by the raiders.

Apprehending severe armed attacks and seeing no use of resistance, the Tehsildar of Rajouri, a Kashmiri Hindu, left the town alongwith the treasury accompanying some officials and police security. The local inhabitants, particularly, non-Muslims, were left unprotected and uncared for.

Communal tension augmented in the town and non-Muslims became target of the Muslims attacks. Harassed as already said people from the country side also rushed the town of Rajouri in the hope of getting some protection. Some Pakistani fanatics and fundamentalists played a cruel tricks. They asked the Hindus to assemble in a big building in the town for the sake of protection. Many Hindus male, female and children, rushed there and the building got over crowded. The entire premises was closed and then set on fire, burning alive, one and all, screaming, weeping and crying. A large number of ladies made self killing by taking poison. Dewali used to be spent in Rajouri every year as Blackday. It was on the Dewali night in 1947, that thousands of ladies took poison and died as if that was nector. They did it to save themselves from molestation at the hands of the raiders. Hundreds of the children and young ladies were done to death by their relatives.

During their fourth months of occupation the raiders indulged in loot, rape and arson. Their loot of private wealth in cash, jewellery, gold and silver was estimated to two crores. A 'Balidan Bhawan' has been built in the Tehsil where the Hindu women had saved their honour by taking poison and where thousands of men scarified their lives.

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*185 **Ibid**, PP 60*

The Indian troops advanced towards Rajouri on April 8, 1948. when the troops reached Chingus on April 10, 1948 they found the village in flames. They marched across the river-bed and occupied Rajouri on April 12, 1948. When the invaders heard that the Indian troops were advancing towards Rajouri, they collected thousands of civilians near the present airfield and massacred them, wholesale. The troops found three gaping pits full of corpses, each 50 square Yards in area and 15 feet deep. The city of Rajouri itself was half burnt, the survivors of the holocaust sought refuge in the hills. However, Indian forces got Rajouri liberated from the raiders on the day of 'Baisakhi' in 1948 as such this day is now celebrated every year as 'Rajouri Day'.

Defence and Relief of Poonch

Poonch was a Jagir of Jammu and Kashmir State ruled by its own Raja, subject to the over-all sovereignty of the State Government. Poonch is situated at the confluence of the *Suran* and the *Bater* rivers with high hills on the sides.[186] The two rivers join to form the Poonch river which flows South-West and joins the Jhelum. In the North of the Poonch town there are hills of *Khori Nad*. Besides, the *Akhada* temple and Gurudwara *Nagali Sahib* are two religious places revered by all the communities. Located in Pir-Panchal range are the temple of "Budha - Amar Nath" and historical waterfall of "Noori-Chamb" in Baharamgala near Bafaliaz, in Suran Valley.

Poonch became a district of J&K State after the death of the last Raja Sukhdev Singh.

The inhabitants of Poonch are predominantly Gujjar Muslims. Since the middle of 1946, their leaders were in contact with the Muslim League at Rawalpindi and its branches along the Jehlum. Disaffection among the Poonchi Muslims was ripe for many years, as they were over burdened with taxes, like the School tax, the road tax, the cleanliness tax and others. By the end of July, 1947, a critical situation had started developing in the Sudhnuti tract of Poonch Jagir. The area had been a recruiting

186 Bahl Mohinder, I was on Kashmir front, 1953, P 69

ground for the Indian army. Some 40,000 soldiers from here had served in the British Indian Army during the IInd world war. Those ex-servicemen were discontented due to above mentioned economic reasons. They were without any employment. As rebels with military training and experience, they soon became the nucleus of the so called "Azad Kashmir Liberation Movement".

A violent Muslim demonstration was going on near Bose Galla, tehsil Palandhari of Poonch Jagir. Jagat Ram, Inspector of schools of village Phagwati (now in POK) had been invested with magisterial powers in September, 1947. He ordered the military group there to fire but the army jawans denied on the plea that the number of casualty would be high. Accompanied by his colleagues, he preferred to advise the mob to remain peaceful. But both of them, were ruthlessly killed by the leaders of the mob.[187]

In Kakuta village, a large number of non-Muslims from other places of Poonch Jagir assembled for safety. Many males among them were carrying their guns for self protection. The Muslims of the area assured them protection provided they surrendered their guns to them. The Pro-Pak elements repeated the same story of protection to the other non-Muslims reaching there enroute to their unknown destiny. By doing so, they roughly collected 500 guns from non-Muslims there only to liquidate or subjugate all such non-Muslims and to fight out the army. Many of the surrendered people were collected inside a big building and then closed. Thus, they were betrayed, since the house was torched and the armless people were roasted alive.

Troubles flared up in Tehsil Bagh of Poonch Jagir in mid August, 1947. Prior to it, in Bagh area communal uprising had become an annual feature. On August 24, 1947 just a week after independence, a contingent of J&K State forces had to open fire on a large gathering killing 5/6 persons. However, during mid October 1947 the army pickets around Bagh soon

187 Pyarelal Koul, Kashmir war or peace, 2003 P 105

came under attack from local armed bands. At Bagh there was a great influx of refugees from the surrounding villages and from Muzaffarabad district. The civil administration at Bagh soon ran out of stock of food and medicine. A message was received at Bagh on October 19, 1947 that ammunition, medicine and supplies would be sent to Bagh from Chokothi. But on October 22, 1947 morning they heard over the wireless that Muzaffarabad and Domel had been captured. At Bagh, the number of refugees were roughly 20,000. Their only route of escape was via toli-pir pass. The column slowly made it way to the village of *Khari Draman* on November 8, 1947. The following morning the column reached Poonch.[188]

In the meantime, the garrison at Rawalakot had come under attack. On October 27, 1947 one company of J&K Rifles left Rawalakot with 3000 refugees for Hajira. It was decided to abandon Rawalakot and to fall back to Poonch. There were more than 40 causalities among the 6,000 refugees during their withdrawal. The column finally reached Poonch, on November 15, 1947 via Hajira and Madarpur.

At Poonch the Civil administration was functioning smoothly till the end of October 1947 under the Wazir-i-Wazarat Pandit Bhim Sen. The population of Poonch town was around 10,000. Although the town had been cut off from Srinagar and Jammu after the fall of Hajjipir pass and Kotli respectively, there was sufficient stock of food in the town to last a few months.

However, the situation changed suddenly when the out posts of the State forces at Plandari, Bagh, Rawlakote, Sadnoti, Hijira and Madarpur and other places, fell one by one. The result was that the refugee population swelled to 40,000. Thus there were more mouths to feed, clothes to wear and houses to live in. The existing stock of food was no longer sufficient for more than two or three weeks. The raiders too began to close in on Poonch occupying the heights surrounding the town. There was only one bridge "Chhanjal bridge" which could provide

188 Lamb Alastari, Crisis in Kashmir, Delhi, 1967 P 37

access to the raiders to enter the Poonch town from the side of *Kahota*.[189]

Brigadier Pritam Singh had set forth from Uri to Poonch with a batallion of Kumaon regiment but unfortunately his soldiers were surrounded by the army of Pakistan enroute Poonch. The Brigadier, after taking advantage of the darkness of night alongwith his soldiers, marched past the Pakistani positions shouting the slogans "Pakistan Zindabad" and headed straight way to the 'Chhanjal Bridge'. As the news spread that Pakistan's army had reached 'Chhanjal Bridge' the defending soldiers burnt the log bridge by using kerosene. It made the entry of Brigadier and his soldiers ineffective temporarily. The Brigadier asked his men to march towards Poonch town after leaving their vehicle behind. The military posts inside the city were strengthened on the arrival of Indian army.

By the end of November 1947, Poonch was a besieged city. Brigadier Pritam Singh, hit upon a plan, for the construction of an air-strip. Roughly 6000 refugees including men, women and children voluntarily provided the necessary labour. They worked round the clock and constructed the air strip within a week. On December 12, 1947 Air Vice-Marshal S. Mukerjee (subsequently Chief of the Air staff) and Air Commander Mehar Singh landed at Poonch in a beech craft. Soon after, the strip was large enough for Dakota transport planes that carried ration and ammunition for the troops and took back refugees to Jammu. In all, around 10,000 refugees were evacuated by air during those five months. The author, alongwith his parents also boarded the aircraft from Poonch to Jammu for their uncertain future.

The defence of Poonch city was not the only worry of Brigadier Pritam Singh. The population had to be fed and very little stock of food was available. So, raids into the territory under the occupation of the raiders were organized. It was known as "Operation Grain" two or three companies of troops reinforced by civilians, whose job was to carry the

189 Lt. Col. Cohen Maurice, ***Thunder over Kashmir****, 1957, PP 18 - 21*

captured stock, would venture out at the dead of night and attack the raiders camps and villages to forcibly collect the available grain. The troops scarified part of their rations for the sake of the refugees and gave away their entire milk ration to 6,000 children there. Brigadier Pritam Singh of Indian army is regarded as "Hero of Poonch". He held Poonch town stubbornly against heavy odds, and saved thousands of refugees from hunger and "Pakistan shelling" was popularly known as saviour of Poonch. Instead of decorating him with the highest National award, the Brigadier was dismissed by Nehru on the complaint of Sheikh Mohammad Abdullah . This was Nehru's most disgraceful act.[190]

Defence of Kotli

Kotli, a Hindu majority town covered an area of six kilometer length and two kilometers width over a plain stretch of land. It is 250 kilometers North-West of Jammu and 50 kilometers in west of Jhangar. It is 60 kilometers in the South of Poonch town. The town is surrounded by high hills on all the sides. Kotli, a tehsil of Mirpur district, at the time of partition had about 4000 souls but migration from the surrounding villages had swelled its population to 7000.

On October 6, 1947 the raiders attacked Saligram Pattan and captured it. Indian troops marched towards Owen Pattan. The non-Muslims population in the nearby villages got panicky and they moved towards Kotli. The State force were hurriedly dispatched towards Sahnsa, a village in the North of Kotli. After reaching Sahnsa, the Platoon stayed there but the local Muslim population attacked the soldiers who were mostly Gorkhas. Some of them were made prisoners and were later butchered mercilessly on October 10, 1947. The non-Muslim population consisting of roughly 400/500 households were put to swords by the raiders after burning their homes during intervening night of 10/11 October 1947.[191]

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190 Ibid, PP 53
191 Ibid, PP 93

There were about 100 Garhwali soldiers in Kotli. Later on, they were joined by Col. Baldev Singh Pathania alongwith 150 soldiers. There were 70 Muslim soldiers among them. Ten Muslim soldiers who were manning a forward post deserted and joined the tribesmen and ultimately the post was taken by Pakistan. Thereafter, as a precautionary measure, Col. Pathania disarmed rest of the Muslim soldiers and took them into custody.

On October 11, 1947 information was conveyed to troops stationed at Kotli that Sarsawa village about six miles North of Kotli on Kotli plandari mule track had been attacked by the raiders and the Hindu inhabitants had been massacred. Lt. Ishri Singh was then ordered to move with his platoon (27 men) towards Sarsawa to rescue the remaining civilians. He had hardly gone three miles, when it was ambushed near a nallah. Twenty-four soldiers were killed by the raiders. On the same day Gunni village situated 9 miles North of Kotli was attacked by the invaders thereby forcing the population to flee towards Kotli. The surrounding villages were put on fire after their plunder by the invaders.[192]

As Stated above at that time Kotli town was having 7000 refugees. Their ration ran short. The watermills located on the outskirts of Kotli town were under the occupation of the raiders, resulting in an acute shortage of drinking water as well. On October 17, 1947 the raiders launched a concerted attack on Chachian, Ali Beg, Dadial hill and Mangla. The shelling continued throughout the day. As the lines of communication and supply were unreliable, it was doubted whether the post could be held. Meanwhile, the out posts of Chachian and Ali Beg were ordered to withdraw to Mirpur bringing with them the Hindu and the Sikh civilians of the area.

After the withdrawal of troops from Chanchian and Dadiyal, a company was stationed at Phala-da-Gala, on the eastern side of the mountain pass to maintain visual

192 Ibid, PP 93 - 94

communication between the out post at Mangla Mai and Battalion headquarters at Mirpur.

The ammunition, with the army in Kotli, was getting depleted owing to the constant firing with raiders who were hell bent to occupy the town. On the request of Col. Pathania ammunition was air dropped in wooden cases through Parachutes.[193] The wooden cases, no doubt, fell within the area of the Kotli town but the practical problem for Indian soldiers was how to collect the ammunition from the dropping ground due to heavy shelling made by the raiders occupying vantage position on the hill tops. Col. Pathania, succeeded in motivating Swayam sewaks and provided necessary training to 40 volunteers in crawling. The moment the volunteers approached the wooden cases containing ammunition, they came under wild attack by the raiders from all sides resulting into injuries on their persons. Four among them succumbed to the wounds but they succeeded in collecting the boxes. However, the Indian troops got requisite ammunition for protecting the lives and property of thousands of civilians of Kotli town. Col. Pathania alongwith his troops defended the town for 5-6 days and ultimately on 24th November in the afternoon a contingent of the Indian Army reached Kotli town. They asked the civilians to march towards Jhangar for safety. The whole population of Kotli town left for Jhangar under the protection of the army on 25th November, 1947. The people walked on foot for eight kilometers and later on army trucks were made available for children, women and old people upto Jhangar. Afterwards, the carvan of refugees reached Jammu, for their uncertain future.

The Fall of Mirpur

Mirpur city, was considered to be prosperous and rich town of the State like Jammu and Srinagar. The city was founded by a Muslim saint Mir Shah Ghazi alongwith Gusai Budh Puri ji. The town of Mirpur was district headquarter with Hindu majority. The Dargah and Samadhi of the saints revered by

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193 Dharam Mitter Gupta, My Jammu and Kashmir 2004, P 74

thousands of followers have now been submerged under the water of Mangala Dam.

After the Partition of India in August, 1947, the Hindu and Sikh refugee from adjoining Jehlum district of Punjab entered Mirpur town raising its population to roughly 25,000. On October 21, 1947 a bus from Mirpur, carrying non-Muslim passenger left for Jammu. A gang of highwaymen led by Dost Mohammad of Bothi village near Mirpur intercepted it at 'Pir Gali' situated at a distance of twelve miles from the old Mirpur town. Two passengers were shot dead by the robbers. Thereafter, the route between Kotli and Mirpur was closed. The bus had to return back to Mirpur, creating communal tension in the area. On October 26, 1947 two platoons with ration and ammunition for the State forces were dispatched under Major Nassarullah Khan of Mirpur Brigade headquarters. At their arrival in Juna Major Nassarullah Khan called a meeting of Muslim officers, JCO's during night. The Muslim officers, JCO's and other fell upon the sleeping Gorkhas at Juna and murdered all except two subedars and 30 other who managed to escape, those surviors fled to Jhangar to relate the incident and surrender of Captain Prem Singh, the Gorkha company commander, who had let into a hut and strangled to death by the Muslim officers of his own battalion.[194]

The first Pak army attack on Mirpur town took place on 1st November, 1947. Dadiyal, the first defence line of Mirpur was a flourishing Sikh town, situated four miles short of Pakistan border. The Sikhs resisted the attack without any army help, till the last week of October, 1947. Unfortunately, the ammunition exhausted and the people were forced to leave for safety towards Mirpur town. Raja Harbans Singh served as vanguard to those fleeing inhabitants. There was a garrison of 200 Dogra army who were repelling the attacks by the raiders. Meanwhile, the Dogra army ran short of ammunition. A meeting of senior

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194 K. Brahma Singh, Unpublished thesis, ***British Diplomacy in Kashmir****, P 12*

military and civilian officers was called and it was decided that the city be abandoned. The army Jawans were to escort the civilian population to safety. Unfortunately, rumorus about the decision spread through the city. The population became panicky. In sheer frustration many civilians took their own lives and those of their women folk more than 30,000 non-Muslims were killed by the tribal attack. The brave people of Mirpur town organized Civil Defence under the guidance of Master Avtar Singh, S. Mohan Singh & Raja Harbans Singh and held back the raiders till 25th of November, 1947 when Mirpur city fell to the Pakistani raiders with martyrdom of the aforesaid youth.

The raiders attacked Mirpur city on the night of 25th November 1947 (Corresponding to 10th Maghar 2004 Bikrami). All available men were organized into volunteer units to help in patrolling and maintaining order in the city alongwith 600 State force troops. The volunteers were armed with whatever was available guns, spears, axes and Lathis. The raiders continued to bring in re-forcement from Jhelum which was only 25 miles away and was linked with a good road. An Indian aircraft flying over Mirpur on, 26th November 1947, observed gun flashes at Mirpur and engaged them. The besieged garrison had displayed a message to the pilot saying "We are withdrawing".[195]

The confused non-Muslims in Mirpur, teeming thousand male and female, old and children were left in the lurch and without any direction. Women and children raised cries and shricks. They started leaving Mirpur in a huff, in different groups and in different directions.

A huge carvan of non-Muslims left Mirpur, for their safety and security towards unknown destination. There were three routes on which the carvan moved ahead. The first wing of the carvan moved towards Jhangar, the second towards Kasguma and the third towards Thathyal – the helpless people walked under the shower of the bullets. Not even a mile was covered

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195 Dr. S. S. Blowria, The Battles of Zojila - 1948, P 51

by first group, when Master Avtar Singh got a fatal bullet injury. He could not walk and sat aside. His mother, Lakshmi Devi and other relations also stopped but the young Master pleaded all of them not to wait and flee lest they should also meet with the same fate. Weeping and wailing, they left him alone and proceeded ahead. The young man, finally succumbed to gun injury.

Raja Harbans Singh from Dadiyal led one carvan and defended it upto 10 miles but their ammunition exhausted and found it difficult to save no longer, decided to make an end of their nears and dears. As such Raja Harbans Singh shot dead his wife Bibi Basant Kour, unmarried sister Brijinder Kour and little daughter. He, then, fired at his 5 year old son whose leg was injured, but survived.

Raja Harbans Singh, took that extreme step when only five bullets were left with him.[196] With the last bullet in hand, Raja had either to kill his son with that bullet or to use it to end his own life. The choice was hard to make. Raja did not want to spare himself any humiliation helplessly, so, he decided to kill himself and not his son, with the last bullet and that he did.

Tragedy after tragedy took place. Mother, sister and other women folk, pressed hard Bhai Mohan Singh to kill them so as to spare them the embarrassment of abduction and molestation. He killed his mother and sister besides other 20 women. Bhai Mohan Singh, then killed himself. In that course Mahatma Budh Singh's son Rajinder Singh and grandson were also killed dastardly. A group going to Jhangar for safety was attacked enroute. Among the people killed by the raiders included Sardar Singh, secretary Guru Singh Sabha Mirpur, Sohan Singh Manager Gurudwara and his brother Joginder Singh as well as Makan Singh, Gurmukh Singh and Munna Lal Session Judge. A group from the carvan, consisting of Santokh Singh Gandhok and his wife Lakshmi Devi their two minor sons, Jaswant Singh Gandhok and Jagjit Singh Gandhok and their minor daughter

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196 Swarn Singh, Kashmir Tay Sikh (Gurmukhi Script) P 207

Amrit Kour and many others went to forest to spend the night there, after walking the whole day. In the morning of 26th November 1947, the raiders found them and attacked them. They were not allowed to flee but made captives and forced to walk towards Gurdwara Alibeg. They all were locked up in a room for the night, kept hungry and thirsty, numbering about 70 male, female and children not finding even place to lie down. Walking full night, the following day, finally they reached Alibeg Gurudwara complex on November 28, 1947 without having even a drop of water.

Similarly, a carvan comprising roughly five thousand persons was heading towards the Jehlum canal. The local population and the raider were chasing them. During their journey the killing was going on. As good luck would have it, a General of Pakistan army arrived on the scene and stopped the indiscriminate massacre. The survivors were finally taken to Ali Beg camp, by the order of the Pak Army Commander.

The Alibeg Gurdwara, was turned into a concentration camp or like a make shift jail, a transitory camp for a brief agonized stay before taking them to butchery, more traumatic and dreadful then the Nazi gas chambers. They used to carry away 16/17 persons everyday to unknown destination to kill them by sword or bullet shot or to drown them into Mangla canal with hands tied back. Thus, thinning the number of the inmates every day and filling the space with new captives.[197]

Pandit Ganpati, was a great scholar and a devoted teacher of Hindi and Sanskrit working in a High School at Mirpur. After his retirement, he looked after Sanatan Dharam School and guided the students for 'Bhusan' and 'Prabhakar' examinations. On 25th November 1947, when fall of Mirpur took place, Pandit Ganpati, alongwith a carvan reached Ali Beg camp. He did not eat or drink anything and remained in deep meditation exactly for a month and died unwept and unsung on 25th December, 1947.

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197 Pyarelal Koul, Kashmir war or peace 2003, P 92

On 2nd December 1948 Sardar Ibrahim a public prosecutor of Mirpur came to Ali Beg camp and contacted all the advocates lodged in the camp. Sardar Ibrahim assured that he would make efforts to send all the inmates of the camp to India for their safety and security. Having assured by the advocate, the educated inmates of the camp including advocates and teachers boarded the lorries for holding a meeting with the Government of Pakistan to make necessary arrangements for them to leave for India. After covering some distant, all of them were asked to get down, at the bank of the canal. To the utter surprise of the innocent people, Sardar Ibrahim, deliberately slipped away, leaving all of them to be shot by the enemy. With guns and naked daggers, they directed all the persons to stand in the ques and after murmuring *Qalama*, they slaughtered those helpless captives like flock of sheep.[198]

One day a group of non-Muslims were taken in routine manner from the Gurudwara to Mangla canal for drowing into canal. Master Harbans Lal of Dadiyal was among them. The hands of all the victims were being fastened with their back at the bridge, before pushing them in the canal to drown and die. Usually, it was done during the darkness of night. Before the turn of Master Harbans Lal came for hands fastening, he jumped from a parapet into the canal. Somebody showered bullets from behind and roared "Pakro!Pakro!Kafir gaya!Kafir gaya." He was chased but the swift current of water took him away from the reach of the killers. Early in the morning, a Muslim gentleman found him across the canal bank in a semi-unconscious condition, shivering with cold and horror. The gentleman secretly took him to his residence, changed his clothes and provided him suitable medicines. Few Muslims came to him and enquired about the presence of Master Harbans Lal, but the gentleman denied. Harbans Lal, disguised, as a Muslim stayed in that house of a Zaildar for couple of days and later on, the Muslim gentleman took him to his nearest railway station

198 Ibid, PP 92 - 93

Sarai Alamgir in Jehlum district of Pakistan and accompanied him upto Lahore.

The Muslim gentleman, bore all the expenses and later on personally handed over Harbans Lal to the international Red Cross Society, ensured his safety and returned to his home in district Jehlum. Master Harbans Lal, managed to reach Jammu and finally settled there alongwith his wife and children. Harbans Lal, later, joined the State Education Department and retired as Principal of a Higher Secondary School having distinction of receiving covet 'National award' as a teacher of outstanding merit.

At Ali beg camp not only the brutal murder of captives continued, but they were badly suffering from contracting diseases, due to poisonous food. The flour provided to the inmates of the Camp was mixed with Chuna, Neela thotta and pieces of glass. With the result at least 15/20 persons were dying daily of diseases, cold and starvation.

At Kasguman village, Lal Khan, a sepoy of Baluch regiment, saw one Om Pakash, his classmate. He wanted to save his life and send him back to India. He, therefore, persuaded Gupta to become a Musalman which he agreed to. He was taken to other village and got converted to Islam and was named as Ahamed-ud-Din on December 3, 1947. After 17 days confinement at Kasguma Camp, the aged were transferred to Ali Beg camp. Among them were Ahamed-ud-Din (Om Pakash Gupta) accompanied by his father reached village, Dandiwassa in Gujrat district near India border and finally they succeeded reaching India.[199]

Tribal raiders at Muzaffarabad

In the North-West part of Kashmir, near the border, lies Muzaffarabad. Surrounded by mountains, this district lies between the river Kishan Ganga and Jehlum. Domel, lies on the South bank of the Jehlum at its confluence with river Kishan Ganga, now known as 'Neelam'. The Hazara district of Pakistan

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*199 Pyarelal Koul, **Kashmir War or Peace**, 2003, P 95*

lies in its West, Chilas district in the North and Poonch district in the South. A road from Muzaffarabad leads to Rawalpindi and another to Abbotabad in Hazara district.

The defence on Muzaffarabad - Srinagar axis were based on Domel, where two approach roads from Murree and Abbotabad met, before leading towards Srinagar, along the Jehlum gorge. 4 J&K Infantry, composed of Dogras and Muslims in equal number was defending that locality with their battalion headquarters at Domel. The main force of tribesmen led by Khurshid Anwar of Muslim League National guards, crossed the border as planned on the night of 21/22 October. The Muslim troops manning Lohargali and Ramkot posts, which were key to the defence of Domel, joined the raiders - forgetting their oath of loyalty and betraying the confidence of their commanding officer Lt. Col. Narain Singh. After putting Muzaffarabad to the worst kind of arson and carnage, the raiders captured Domel. Amongst those killed were Lt. Col. Narain Singh and his Adjutant Capt. Ram Singh.[200] Soon after Domel was attacked, Narain Singh was able to contact the duty officer at Army Headquarters at Srinagar and inform him of what was happening alongwith his assessment of the situation. In the town of Muzaffarabad the shops and the houses were set on fire. The displaced persons reached Domel on October 23, 1947.

The next day Domel fell due to the treachery of the Muslims in the State forces and the non-Muslims inhabitants were massacred. At Muzaffarabad the raiders shot dead Mehta Duni Chand the Wazir-i-Wazarat. The family members of the Wazir escaped on October 25, 1947 but later captured by the raiders at Domel. There were many Kashmiri employees of the State Government both Hindus and the Muslims posted there. Some managed to escape, other fell victim to the brutality. It

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200 *Dr. S. S. Blowria,* ***The Battles of Zojila - 1948****, P 31*
Lt. Col. Narain Singh had complete faith in the fighting capabilities and loyalty of his troops including Muslims companies. Previously, he had turned down a suggestion to replace Muslim companies with Dogra soldiers.

was indeed massacre and holocaust of the Hindu/Sikh minority. Muslims like Abdul Aziz, a Kashmiri by origin and local leader of National Conference, did his best to save as many of the minority members as he could. But the gushing waters of flood couldn't be stopped by throwing a few bags of sand. Abdul Aziz, was ultimately shot dead, unwept and unsung in that gloomy atmosphere, on the bank of river Kishan Ganga, two days after the capture of Muzaffarabad.

Youssouff Saraf in his book 'Kashmir Fight for Freedom' mentioned that Master Abdul Aziz, Bodh Raj Pleader, Faqir chand and Chet Ram prominent leaders of Militant Rajya Sabha and a few other were shot dead on the banks of Neelam, just below the bridge, two or three days after the capture of Muzaffarabad. Master Abdul Aziz, has secreted some local non-Muslims in his house. It was claimed that Abdul Aziz was instigating trouble and there were brick batting from inside his house, perhaps he was killed as a reprisal.

The prisoners held by the raiders at Domel numbered over 6,000 and very few of them had adequate clothings for the cold nights in those hilly areas. Any type of torture, cruelty, humiliation, killing, forced suicide by taking poison and jumping into wells and into rivers for drowning, rapes and abduction that a man can conceive of or contemplate was the fate of Hindu / Sikhs in Muzaffarabad. There were groups of young ladies and girls, mostly half naked, lined up for rape and abduction duly guarded by the raiders. They had any chance to run away and escape the tortuous death, mental, moral and psychic, if not physical; a death in the eyes of their parents and guardians. It was a painful death indeed snatching all relationships within moments and destroying all emotions.[201]

Besides that non-Muslims males were also lined up in the streets and inside rooms with stretched necks, heads chopped off with sword one by one, a shocking scene, more frightful than the slaughtering of lambs. The Hindus and Sikh ladies,

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*201 Pyarelal Loul, **Kashmir War or Peace**, 2003, P 84*

felt no chances of their safety and security, coupled with their honour were given poison with tea with heart bleeding and made to die, unwept and unsung.

The Hindus / Sikhs in other parts of Muzaffarabad which they inhabited, met also with the similar fate. A number of their young ladies and girls jumped into Kishan Ganga to escape the wrath of molestation and abduction at the hands of the raiders.

After the sack of Muzaffarabad and Domel, the raiders pushed a large force of tribes men in buses and lorries upto the Jhelum Valley road towards Srinagar, leaving only a small force behind, with the co-operation of local Muslim population, they embarked upon a systematic campaign of murder and loot of the Hindus and the Sikhs in the rural areas of Muzaffarabad. By the early morning of October 29, 1947 the refugee column had reached the Nanga Pir about 8 miles to the North of Bagh. A rumour was spread by some of them that ammunition had finished and that the State force personnel were planning to slip away, leaving the civilian to their fate. Panic spread among the refugees like wild fire. Some of the Sikhs, became desperate and before any one could stop them, they began killing their own women, particularly young girls to prevent them from the atrocities of Pakistani tribesmen. By the time, the troops received that information and rushed to stop such cruelties, some three to four hundred youth had been put to death.

Raiders in Kashmir

The invasion of Kashmir by the tribal was meticulously planned, carefully timed and competently executed. By the middle of October the economic blockade had stifled the State's economy and paralysed its administration.[202] Civil strife and turmoil were effectively engineered in the south and south-western borders of the State by instigating the Muslim population inhabiting those areas. Armed raids engineered on the State

202 *S.N. Prasad and Dharam Pal,* ***History of operation in Jammu and Kashmir (1947–48)*** *New Delhi, 1987 P 14*

forces garrisons had effectively neutralised their military capabilities and had also succeeded in drawing the reserves located in Srinagar, away from the Valley.

The main attack was planned and launched by the Army Headquarters of Pakistan and was called "Operation Gulmarg" order were personally signed by the British C-in-C of the Pakistani army within few days of Pakistan's coming into existence. The main force consisted of tribals from North west frontier and were organized into units of about 1000 each, called Lashkar (force) under the command of their respective chiefs, called *Maliks.* Pakistani army personnel, joined these tribals as stiffeners. Each Laskar was provided with an army major, a captain and ten Jco's. The entire force was to be commanded by Major General Akbar Khan, who was given the code name Tariq assisted by Brig. Sher Khan.[203] The Operational Plan envisaged six lashkers to advance along the main road from Muzaffarabad to Srinagar via Domel, Uri and Baramulla. The day for operation Gulmarg was fixed as 22 October 1947. The 7 Infantry Division of Pakistan army which was to concentrate in Marree-Abbotabad by October was ordered to be ready to move into J&K territory, to back up the Lashkars and consolidate their hold on the Valley.

Srinagar Saved

After the defences of Domel had been neutralized by the raiders, there was practically nothing between them and Srinagar city. Realizing the imminent danger, Brig Rajinder Singh, Chief of Staff of the State forces, rushed to Domel at the head of the heterogeneous force comprising about 150 men, a section of Medium Machine Guns and a detachment of 3" mortars. He selected Uri, as, the main defensive position and made preparations, accordingly. He moved ahead with a small force and made contact with enemy on the morning of 23 October 1947, a kilometer short of Garhi. After a sharp exchange of fire, when they were in danger of being out flanked by the

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203 Ibid, PP 17-19

overwhelming number of invaders, Rajinder Singh and his depleted group withdrew to another position ahead of Uri.

The first engagement set a pattern for clashes between the raiders and defenders. The latter, were holding the attacking force for as long as possible and then withdrawing to the next fall-back position for another block. Brig. Rajinder Singh was forced back to his main position at Uri by the night fall of 23 October. There he was joined by the reinforcement of one platoon, one section MMG and one section of 3" Mortars, sent from Srinagar. The next morning, 24 October, the enemy in large number swarmed over Uri. The bridge, was demolished in time. The enemy by passing Uri, next defensive position was taken at Mahura, by late night.

Having denied the capture of Mahura to the hostiles during the day long battle on 25 October, Brig. Rajinder Singh was forced to withdraw to Buniyar. That position was attacked in strength on the morning of 26 October. During the hours of darkness the defenders moved towards Seri, short of Baramulla. But this time the hostiles had already succeeded in getting behind the withdrawing force and had established a number of road blocks. There almost the entire force, including Brig. Rajinder Singh, died fighting the enemy.[204] He alongwith small force under his command had successfully held up thousands of raiders for four very valuable days and had saved the Valley of Kashmir.

The raiders, entered Baramulla, on the night of 26 October. The town was put to sword and fire, plunder and rapine. The raiders, in the meantime, had burnt half of Baramulla, sacked shops, abducted and raped women and butchered men irrespective of race and religion. They shot dead Lt. Col. Dykes a former British officer of the Indian Army and molested his wife, whose naked body was later found in a well. They raw-sacked the Presentation Convent and murdered the Assistant Mother Superior, sister Terassline and also some patients and a

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204 Lt. Gen. L. P. (Retd.) ***Slender was the thread****, Delhi, P 90, 98*

nurse in the nearby hospital. Even the crosses covering the graves in the cemetery and holy images in the Chapel, were not spared.

On October 24, 1947 the Maharaja of J&K sent an SOS message to Lord Mountabattan, the then Governor General of India; Maharaja's Communication goes as under:-

"With the conditions prevailing at present in my State and great emergency of the situation as its exists, I have no option but to ask for help from the Indian dominion. Naturally, they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the instrument of accession for acceptance by your Government. The other alternative is to leave my State and my people to free booters. On this no civilized Government can exist or be maintained. This alternative I will never allow to happen so long as I am the ruler of my State and I have life to, defend my country. I may also inform your excellency's Government and ask Sheikh Abdullah to take up the responsibility in this emergency as my Prime Minister. If my State has to be saved immediate assistance must be made available at 'Srinagar. Mr. Menon is fully aware of the gravity of the situation and he will explain to you if further explanation is needed.'[205]

In view of the gravity of the situation V. P Menon, Secretary, Ministry of states, was flown to Srinagar the next day to assess to situation. He returned on 26 October alongwith Meharchand Mahajan, the Prime Minister of the State and apprised the Government of the critical situation in the Valley and that hostiles might reach Srinagar any day. The Defence Committee of the Cabinet decided that Indian troops would be sent to the State only after its formal accession to India.

V.P. Menon flew to Jammu, the same afternoon and returned with the Maharaja's request for the troops as well as the Instrument of Accession by the Governor-General during the night of 26 October, 1947, thereby the State of Jammu and

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205 Justice A. S. Anand, The Constitution of J&K, 2004, P 65

Kashmir became an integral part of India. The first batch of Indian troops consisting of tactical headquarters and C Coy of 1st sikh under the command of Lt. Col Dewan Ranjit Rai, landed at Srinagar, air field. The Sikhs took up the defensive positions East of Baramulla on the night of 27/28 October. Next day Col. Rai went forward with two more companies. This position came under heavy attack by the hostiles and Col. Rai decided to fall back and occupy a more appropriate defensive position near Pattan about 8 km to the rear. While fighting rearguard action, he was killed by the enemy fire. The build up of forces in Srinagar continued at a feverish pitch and incoming troops secured the air field as well as shored up defences of the city, while also fanning out in the countryside as far as possible. Simultaneously, army units were being brought to Jammu by road, from Pathankot.

Brigadier L. P. Sen arrived in Srinagar on 2 November and took over command of 161 Brigade. The next day, a heavy engagement took place in Badgam area, not far away from the Air Field, between a company of 4 Kumaon and the hostiles. The Kumaonis fought valiantly against a much larger force. Amongst those killed was major Som Nath Sharma, who was posthumously awarded Paramvir Chakra. He became the first recipient of the 'Highest Gallantry Award' of Independent India.[206]

The retreat of the raiders started after the arrival of Indian troops. They were thrown out of Baramula, leaving 500 raiders dead on the field. By November 15, 1947 raiders had been chased beyond Uri, 65 miles away from Srinagar. While retreating, the raiders demolished the bridges in Kashmir. However, the Power House of Mahura was restored and the curtain of darkness over Srinagar was lifted on 14th of November, 1947.

Not only was Srinagar saved but the last of the raiders was chased beyond the Western side of the Valley by mid

206 *S. N. Prasad and Dharma Pal History of operation in Jammu and Kashmir, (1947-48) P 35*

November, 1947. virtually all who had to flee their homes or hide somewhere retuned to their homes, soon after those parts of the Valley were liberated. Only the non-Muslim refugees from Muzaffarabad district stayed on in Kashmir for a short while and later on sent to Jammu by Sheikh Abdullah for obvious reasons.

Overall situation of Jammu, Kathua and Udhampur including Doda and Kishtwar

The people of Jammu, had a long record of communal amity.[207] However, as streams of refugees from the POK came with tales of cruelties committed by Muslims, Passions began running high and communal riots broke out at Jammu and nearby town like Kathua, Billawar, Basholi, Reasi, Udhampur, and Bhadarwah due to intensified aggression by Pakistan. By September 30, 1947 around 60,000 non-Muslims refugees had arrived at Jammu. Two camps were established at Mohallah Ustad and Shahidi Chowk for sheltering the Panic stricken. By then 10,000 Muslim refugees had left the city and its surrounding regions for Pakistan. It was a difficult task for the Civil and Military authorities to keep the two streams of refugees moving in opposite directions separate and to maintain peace, but they did their job well.

However, it was not possible for the administration to protect all Muslims from the revenge of non-Muslims especially the refugees. Their worst massacre took place on November 7, 1947 when the buses carrying Muslims refugees towards Pakistan were attacked near Miran Sahib in R. S. Pura tehsil. However, it is very difficult to make an estimate of the exact number of Muslims killed, besides, those who were forced to leave the State. No Government maintains a record of those who are leaving and the same is true of the State Government also. However, a rough estimate can be made by comparing the

207 *Lt. Gen. S. K. Sinha (Retd.), **Operation Rescue**, Delhi, 1975, P 93*

number of Muslims in the district of Jammu and Kathua with their number of 1961.

District	1941	1961
Jammu	1,70,789	51,847
Kathua	45,214	27,005

Instead of increasing the number by 2.5% their number registered a fall by 1,18942 in Jammu and 18,209 in Kathua. It is a safe presumption that the same Muslim exodus must have taken place from the majority area of Udhampur and Reasi.

Of course, how many of them were actually killed and how many could escape with their lives cannot be estimated with any degree of accuracy. According to some Muslim Contemporaries, who insist on anonymity, around one hundred thousand of Muslims were killed in Jammu Province, while other estimates put the figure between 20,000 to 30,000.

In Jammu Province as per official records, the following in terms of property was left behind by Muslims which was declared as evacuee property.

	Distt. Jammu	Distt. Udhampur	Distt. Doda	Distt. Rajouri	Distt. Poonch	Distt. Kathua	G. Total
Houses	4487	106	12	61	491	2885	8044
Shops	551	10	01	33	59	20	674
Kholas	292	34	-	-	-	1030	1356
Land	7,70,418 Knls 2 Marlas	31,676 Knls 16 Marlas	123 Knls 4 Marlas	3,77,196 Knls 16 Marlas	2,64,359 Knls	59,778 Knls 13 Marlas	15,03,552 Knls 10 Marlas
Garage	18	-	-	-	-	-	18
Orchads	101	02	-	-	-	10	113
Land under orchads	566 Knls 12 Marlas	7 Knls 5 Marlas	-	-	-	34 Knls 18 Marlas	608 Knls 15 Marlas
Malyari	480 Knls	-	-	-	-	-	480 Knls
Land	13 Marlas						13 Marlas[208]

208 *Qudiri S. A. S "A report of the implementation of various Rehabilitation schemes after August, 1953". A manuscript Provincial Rehabilitation Officer, Jammu, P 1 Appendix "A".*

FUTURE DIMENSIONS

The Maharaja appealed to the Government of India on October 24, 1947 for help against the invaders and signed the **Instrument of Accession** on the 26th Oct., 1947 in response to the latter's demand. Thus on 27th Oct., 1947 J&K became an integral part of Indian union and Sheikh Mohammad Abdullah, who had been released from jail a month earlier, was soon appointed its Emergency Administrator. The country and particularly, the people of the State have every reason to place on record their deep debt of gratitude which they owe to one of India's greatest statesman, patriot, nationalist, public spirited citizen and politician of high order, Sheikh Mohammad Abdullah, but for whose initiative, stewardship, tireless endeavours and decisive leadership, the State would not have come out of the turmoil, chaos and confusion, through which the State was passing at the time of partition. Sheikh Abdullah's contributions which are mentioned would be remembered for ever which he made for seeking rights of the exploited masses in the field of social Justice and in its brief reference here, the author considers, quite appropriate and essential. However, the long standing bitterness between the Maharaja and the Sheikh soon surfaced and friction between their aims and decisions became increasingly visible. The Sheikh and his National Conference then enjoyed the support of Indian National Congress and the Government of India and ultimately the Maharaja had to leave the State by abdicating the throne, on June 9, 1949, in favour of his son Karan Singh. Hence forth, the Sheikh as Prime Minister of the State was all powerful and the centre of the political gravity shifted from Jammu to Srinagar.

Although the undisputed Muslim leader of a Muslim majority State had endorsed the State's accession to India and had extended to all non-Muslims assurances of safety and dignity,[209] yet for the Hindus of the Jammu, these events of late 1947 were emotionally unacceptable. This feeling of deprivation among the Hindus, particularly of Jammu, led to the rise of the Praja Parishad under the leadership of Hari Wazir and Pt. Prem Nath Dogra. It was essentially a reaction to the aggressive authority by Kashmiri-Muslims and a protest by the people who felt not only politically ignored but also economically victimized by **Big Landed EState Act** and the **Debt Act,** both of which hurt the Hindu land-lords and money-lenders, in particular. Soon the Praja Parishad became the mouth-piece of the Hindus of Jammu, against the Kashmiri Muslims in power and clashes between these two became common, since early 1949. The Parishad opposed the Government's economic reforms, its anti-Maharaja stance, and emphasis on the separate identity and constitution of the State. They on the contrary, stood for the State's complete merger with the Indian union and launched an agitation for the abrogation of Article (306), later known as (370). They, accused the majority in power of ignoring the interests of Jammu region, in general, and of the non-Muslims, in particular. They received active support from the Hindu Maha Sabha, the R.S.S., the Ram Rajya Parishad and later the Bhartiya Jansangh in their agitation to secure the State's complete merger with India.[210] In April 1949 the Praja Parishad organized demonstration in the major towns of the Jammu region. These led to clashes with the police and the arrest of the venerable leader Pt. Prem Nath Dogra.

These gave an un-precedented impetus to the process of political mobilization in Jammu. In August, 1949 members of the India's Constituent Assembly, like Dr. Rughuvira and

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209 Bamzai P.N.K., History of Kashmir, P 787
210 Puri Balraj, Op. cit, P 116

Dr. Brahm Prakash visited Jammu and informed Delhi of the deteriorating relations between Jammu and Kashmir regions. **A satyagraha** movement was launched in Jammu in September, 1949 seeking, above all, the protection of their regional and communal interests against encroachments from Kashmir by trying to draw the State closer to the Indian Union. However, as the uneasy truce between India and Pakistan had been signed on 31st December, 1948 and both the Unions remained busy arguing their cases before the U.N.O., Government of India initially gave the Sheikh a long leash to prove to the world that the Muslims of the State had willingly accepted secular India. Meanwhile, socialistic legislations relating to Big EStates and Debt Act widened the gulf between Jammu and Kashmir regions and in 1951-52 the situation in the State appeared like a cold civil war.

In response to Sheikh's demand, the Government of India, had recognized the special status of the State, vide Article 306 (now 370) of the India Constitution and had agreed that it would have its own Constituent Assembly.[211] Elections to it, were held in September 1951, but the State authorities saw to it that nominations of all the candidates of the Praja Parishad were declared invalid so that the National Conference could capture all the 75 seats in the State Assembly.

The newly elected Constituent Assembly met for the first time in October 31, 1951. However, his authoritarian attitude and insensitivity to the feelings and demands of the opposition, particularly of the non-Muslims, soon raised the political temperature of the State to the boiling point. Many leaders of various political parties outside the State had begun taking adverse note of the Sheikh's authoritarian and often anti-Indian attitude and wanted to put a lid on his authority and demands bordering an Independence. This infuriated him all the more and in April 1952, he made a highly provocative speech at

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211 David Edison, Sher-i-Kashmir, Sheikh Abdullah, P 74

R. S. Pura, where, he described any suggestion of full application of the India Constitution to J&K as unrealistic, childish and savouring of lunacy. A week later he asserted, "it would be better to die than submit to the taunt that India was our bread-giver", These Statements were viewed with suspicion and fear not only by the majority of non-Muslims in the State but also by many in Delhi. Still the Government of India was in a mood to compromise with caution and the so called **Delhi Agreement** between Nehru and Abdullah was signed in July 1952. It allowed the State its own constitution, its own separate flag and the end of the Dogra ruling dynasty which was to be replaced by a Sadar-i-Riyasat to be indirectly elected by the State legislatures.

The Praja Parishad, opposed the agreement and launched a satyagrah against it in August, 1952. Many Muslims of Jammu joined that Movement and around 700 Ziladars and Numberdars resigned their posts. Educational institutions were closed for weeks and farmers stopped paying land revenue.

The demand of the people of Jammu as voiced by the Praja Parishad was as :[212]

Ed Desh mein do vidhan, Ed desh Mein do Nishan,

Ed Desh Mein do Pardhan,

Nahin chalenge nahin chalenge.

In short, the people of Jammu and non-Muslims in general wanted closer association with the rest of India and were opposed to the socialistic legislations of the State government. The satyagrah continued till 1953 and in May 1953 Nehru himself visited the Valley for an on the spot assessment of the situation.

His visit, was followed by Maulana Abul Kalam Azad's, who had to return to Delhi with the feeling of having been ignored if not insulted. Kashmiri opinion - essentially Muslim

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212 Balraj Madhok, Bungling in Kashmir, P 124

- also had in the mean time recoiled form their early warm attitude towards India with the raider chased beyond the Valley and peace restored. They now began watching the political scenario of the State and the county with increasing suspicion. They were made to believe, as many Indian leaders hinted, that in course of time the State's special status would get eroded and J&K also would become one of the so many States. Losing its identity in the vast Indian Ocean was the last thing that the Kashmiri Muslims elite were prepared to accept as a price of peace by acceding to India. Thus the political attitude of the Muslims and the non-Muslims as well as of Kashmir and Jammu came to be increasingly polarized. Even the Ladakhis, led by Kushak Bakula, demanded special status for their region because like the people of Jammu they feared and resented the domination of the Kashmiri Muslims. These incidents instead of releasing the tension only added to the tension that was growing between Srinagar and Jammu and between, the State Government and the Centre. Meanwhile, Dr. Shayama Prashad Mukerjee was arrested near Lakhanpur on May 8, 1953 when he sought to enter the State by defying the Permit Regulation which he and his supporters did not recognize. He was shifted to Srinagar as a prisoner, where he died, in suspicious circumstances on June 23, 1953.[213] This further fuelled the fire of the anti-Sheikh agitation till the Government of India decided to act through the Sadar-i-Riyasat to dismiss the Sheikh's Government and to arrest him and Afzal Beig. His longtime associate, G.M. Bakshi, succeeded him as the Head of the State Government on August 9, 1953. The first phase of the political changes unleashed by the country's partition and the State's accession to India appeared to have come to a close.

However, these years under the leadership of Sheikh Abdullah since 1947 were not just years of turmoil and tension but were of considerable positive achievements also. The most

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213 Mullick B. N. Op. cit. P 36

important of these on the economic front were:

1. Abolition of Landed EState Act.
2. Distressed, debtors relief Act (1950).[214]

In April, 1949 the Government headed by Sheikh Abdullah appointed a Land Reform Committee to prepare a plan for the abolition of Big Landed Estates and transfer of land to the tiller. Previously, the tenant had to provide seed and agricultural implements and give the landlord 50% partly in kind and partly in cash. The total cultivated area in the State was about 2,200,000 acres most of which belonged to the Maharaja, his Jagirdars and a class of landlords called **Chakdars.** The landlords, rented the land to the tillers under feudalistic conditions of tenure. A total of 82,479 acres belonging to **Chakdars** was mutated in the name of the tenant by the administration immediately after its assumption of power. The orders with regard to the abolition of Chakdari were issued on July 13, 1950, a day which is annually celebrated as Martyr's Day.

By the abolition of **Zamindari** system, the landlord was allowed to keep not more than 160 Kanals (20 acres) of agriculture land, 8 kanals (1 acre) of land for vegetable gardening, 4 kanals (1/2 acres) as residential site and 10 kanals (1,25 acres) of orchards, altogether 182 kanals (22.75 acres).[215] All land which were not under cultivation or not rented and were in excess of 182 kanals were transferred to the Government for distribution among landless tillers or for collective farming. Thus J&K State was the first in India to introduce the Land Ceiling Act. This measure certainly helped the poor tillers, who became owners of land, they cultivated. However, there was a communal angle in these socialistic measures also. While, a ceiling was imposed on agricultural lands, which mostly belonged to the Hindus, it was not applied to orchards most of

214 Mirza Afzal Beig, Land Reforms in Kashmir, Vol. II, 1952, PP 56, 58
215 Jasbir Singh, The Economy of Jammu and Kashmir, 2004, P 139

which belonged to the Muslims of Kashmir or part of Doda. Similarly, the Debts Act adversely affected the interests of the money lenders who were mostly Hindus and benefited mostly the Muslims who were in a majority.

After the enactment of the Big Landed Estate Act, land was taken from 8889 big landlords mostly belonging to Jammu province. Besides, the Popular Government passed the Debtors Relief Act in 1950 by virtue of which the debts of 9000 persons were abolished.[216] Besides, **grazing tax** was also abolished by the Popular Government.

Not only this in the Agriculture sector, "Grow More Food Programme" was launched during 1950 as a movement and to this end land which was not cultivated was given to tillers and modern techniques of farming were adopted so that self-sufficiency in food be attained.

In the field of education, the government took many positive steps towards a revolutionary change. Provisions, were made to impart free education to all students upto university level. It is not only the first State but probably it is the only State till date to extend this facility to its students. The J&K university was established on November 1, 1948. In every district headquarter of the State Degree Colleges were established with in a couple of years.[217]

In the political arena the centre of gravity shifted from Jammu to Srinagar after the formation of the popular government in the State. Formerly, the upper caste Hindus, in general, and the Rajputs in particular, were at the helm of affairs of the State, but after 1947, the Muslims, especially of the Valley, became the new elite in politics and administration. Now, their

216 *Towards solvency, a review of the distressed Relief and Restitution of Mortgage properties Act, 1952, J&K Pub.*

217 *An Account of activities of first three years of Sheikh Abdullah's Govt., Ranbir Govt. Press Jammu, 1951, P 5*

voice was considered to be the voice of entire State. At the height of Jammu-Kashmir tension, before 1953, Jammu was represented by one minister in the National Conference cabinet of five.

Besides, none of the important office-bearer of the party in power-president, General Secretary, Vice-President and Treasurer was from Jammu. Not only this, it became a convention that the Chief Minister must invariably belong to the Valley as it was essential to appease the Kashmiris. Even the Congress chief was to be a Kashmiri Muslim. The threats to law and order through sabotage, espionage and anti-Indian agitations, were more serious in the Valley as such local Muslim from the Valley were likely to be more effective. Besides, Kashmir's international importance further necessitated that at a world for a the State of J&K was to be represented by a Kashmiri, especially a Muslim of the Valley. The riots, the refugees and all that happened since 1947 injected the virus of communalism among the population of Jammu and hence forth the city of Jammu had remained a citadel of Jansangh and B.J.P. The political tussle between Jammu and Kashmir leading to the demand for Jammu's Autonomy had its wider fall out. Since 1931, there had been discontent in the Kashmir Valley but Jammu was, by and large, peaceful. Hence forth, Jammu became the centre of agitations against the new changed situation.[218]

Previously, the Hindus of the State were in favour of the State's full Autonomy and many of them in 1947 even wanted it to be independent. But now the role was reversed. While, the Kashmiri Muslims became the champions of the State's autonomy, the Hindus became advocates of closer integration with India. Last of all, it is worth recording that after the turmoil of 1947 the people were politically awakened and became conscious of their rights.

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218 Interview with Prof. A. C. Bose, Jammu University

The experience of migration and of approaching the authorities for aids, loans, and shelter enlarged the mental horizons of the refugees. Illiterate villagers from remote areas, now moved into towns, lived in refugee camps, formed their own groups, met and bargained with the Government officials and often staged demonstration just for an opportunity to survive in new surroundings. These actually brought them face to face with the problems and the ways of the modern world and forced upon them a degree of maturity and collective activism which they might not have acquired in their villages for generations. These changes were contagious and affected the entire community. Besides, adult franchise gave the common man a new importance and confidence and mobilized them politically as nothing so far.[219]

Because of the forces unleashed by the traumatic events following the country's partition, the people of this State underwent a veritable revolution in their attitude and relations among themselves. Those who had been very backward politically, soon became more involved in politics than their counter-parts in most of the country.

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219 Interview with S. Sohan Singh I.F.S.

CONCLUSION

Political, Social and Economic situation in J&K State was phenomenally complex in this crucial decade and after 1947, it is growing more complicated every day. However, some trends were discernible through the chaos and confusion, namely, the end of the Dogra rule and emergence of the Popular rule. The popular movement for pulling down the Dogra dynasty was becoming more irresistible day by day. No power on the Earth could prevent the march of the events towards the goal that was very much in sight. It had the right direction and strong momentum.

Sheikh Mohd Abdullah, though bred on a platform of Muslim fundamentalism, was not intolerant towards non-muslims. In fact, he was trying to make his platform as broad based as possible by telling all the sections of the population of the State that the cause of the struggle was common and they should not be scared of the mere name of his organization, the Muslim Conference. For recruiting volunteers he was touring in different districts and in Muzaffarabad he found a young vibrant person, Sant Singh Teg, who was destined to play the most prominent role in the affairs of the State.

Mahatma Budh Singh, popularly known as Budh Singh Tyagi, was the fore-runner of the Sheikh. Tyagi, had started his tirade against the Dogra rule in support of the weaker sections of the society, the poor and down-trodden, while he was a Government servant bound by rules and regulations of the administration. Surprisingly, despite all his negative activities in terms of rules and regulation, he was in the good books of

Maharaja Partap Singh, British Officers of the State and later on of Maharaja Hari Singh. From a petty clerk, he rose to become Wazir-i-Wazarat.[220]

Budh Singh Tyagi has set the stage on which the Sheikh appeared years afterwards, in 1931 as the most prominent actor. The two giants did not know each other. They met much after, probably in 1934 and found that there were many common factors in their policies, plans and programmes. Inspite of their common approach to the problems of the State, it took Tyagi 5 - 6 years in converting the Sheikh from a Muslim leader to a national leader which conversion resulted into the conversion of Muslim Conference into National Conference in 1938-39. Budh Singh, became the first president of the National Conference. Bakshi Ghulam Mohd, Sadiq, Karra, Masoodi and many others also played their parts and the National Conference started growing from strength to strength, beating a faction of Muslim Conference which continued even after its conversion into National Conference. The Muslim Conference had the active support of Muslim League but could not pose any challenge to the broad-based National Conference.

The National Conference (NC) was hailed all over the country. The nation was steeply involved in the struggle for freedom from the British Raj under the guidance of Mahatma Gandhi and emergence of the Sheikh, as a national leader was a major event. The Indian National Congress and the National Conference of J&K almost merge to the advantage of the latter. Nehru and the Sheikh found political emotional and spiritual equation between them, which worked well till much after Independence in 1947.

The Sheikh, was aware of his political weaknesses despite the great support, he was getting from Indian National Congress. His influence outside the Valley of Kashmir was not much. In

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220. Dr. Kulwant Singh, Prem Khiladi (Urdu script) 2004,

Poonch Jagir and Mirpur district, he was not liked and much less his National Conference. In Poonch it was Sant Singh Teg who was all in all for National Conference while in Mirpur Tyagi Budh Singh exercised his hold. The Muslim of Muzaffarabad, Poonch and Mirpur, the born soldiers and militants, never recognized Sheikh as their leader.

Let us not make mistake. Socio-Economic Unrest of 1931-47, period under study, is in reality a communal unrest incited by outsiders from UP and Punjab who were pan-Islamic. The Reading Room at Srinagar was a place of all intrigues. Luckily, it did not effect rural life in Kashmir Valley, where people were living happily, resigned to their fate as in all other rural areas except the border areas with Punjab. The rural economy of Kashmir Valley, as in other rural areas of the State, was forest-based.[221] People would meet most of their primary needs from the forest free of cost. Thanks to the liberal policy of the Dogra rulers. The forest concessions were the rights perse. People used to get dead fallen material such as fuel wood and timber grasses, fodder, edible flowers and fruit, forest vegetables, medicinal herbs, mushrooms, honey, manure for their fields, plenty of water for drinking and irrigation without any restrictions. Forest grazing was their most-prized concession. Valuation of all these benefits accruing to the rural community from forests would reveal most astonishing figures of free of cost commodities.

Here, the Dogra rule deserves credit on another account. The Maharajas of J&K State were basically environmentalist. With the help of eminent British foresters, they had protected and preserved the forests so well that they could meet the primary need of the people in entirety. This rare combination of environmentalist rulers and the British foresters had ushered in a golden period in J&K State in respect of the rural community that made over 90% of the State population then.

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221. Interview with S. Sohan Singh I.F.S. , Retd. Chief Conservator of Forests, J&K Govt., Jammu.

This point can be appreciated only when the present condition of our forests and natural environment is seen in the right perspective. The whole of J&K State is deforested and its forests and environment utterly degraded. None of the benefits listed above are now available to the people. Villages have degraded with the degradation of forests and rural population is migrating to towns and cities for earning bread. In place of plenty, we have now scarcity in villages. Ration shops have replaced crop lands for grain. Everything is devastated.[222]

The Dogra rulers had a religious bent of mind. They were *dharamatma* and their love of Nature and environmentalism was an off shoot of their dharamatma being. Germini Dass in his title 'The Maharaja' testifies to this effect. He surveys the royal palaces of native rulers and marks corruption, voluptuousness, intrigues and all other evils in them. But, he has all praise for J&K Royal Palace of the Dogra rulers which was free from all these immoralities and evils and says that those rulers were great exception. *Begaar* is the only evil chargeable to them and it is most surprising that this evil had been co-existing with their dharamatmaism.

Sheikh Mohammad Abdullah was rising over the horizons of J&K State, but Maharaja Hari Singh was waning. The year 1931 may be marked as a year of the beginning of the end of the Dogra rule in J&K State. The historians will wonder if the last Dogra ruler knew that all would be over in a decade and a half. Many good opportunities had come in his way to change his bearing. Glancy Commission Report gave him the best opportunity of all to mend his ways in view of approaching dangers. A wise ruler would have seen through the near future and accepted the Glancy Commission recommendations in toto to transfer all powers to Praja Sabha and find a place for him in the new setup as a titular head of the State for some generations. He would have also made himself a forerunner of

222. *Interview with S. Sohan Singh I.F.S.*

other native rulers of India to give freedom to his people much before the British would set India free. At least, by such a wise action, he would have boosted the national struggle in the country, which could even prevent the partition. His name, thus, would have gone to the posterity as a symbol of wisdom and a epitome of sacrifice.

Most unfortunately that did not happen. Events proceeded in their stride with no predetermined destination. Prime minister Ayenger's advice also fell flat on the Maharaja's ears. His nervousness was visibly increasing as seen in his heticness in shifting his Prime Minister, one after the other. Even as he was a shrewd person, he easily fell prey to the intrigues of Prime Minister Kak and some Englishmen. Time was slipping out of his hand. He was covering one mistake with another. Arrest of the Sheikh, Mahatma Budh Singh Tyagi, Sant Singh Teg and many more of his associates was a blunder. And when Jawaharlal Nehru was coming to the State to see things and help changing the course of the events, he prevented him at Kohala, arrested him and detained him at Uri. Even Mahatma Gandhi, in his visit to Srinagar and meeting with him in 1946 could not produce immediate results and matters drifted naturally to an unexpected end in 1947. Obviously, all these doings of the Maharaja, in a situation out of his control, were suicidal. He had lost his bearing. He was circumstanced, helpless but adamant. His adamancy resulted in the suffering of the border States of India and the border area people of J&K dearly. While, the Maharaja lost his crown, the border people Hindus and Sikhs, lost over 50,000 persons in killings and missings.[223]

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223. *Although Muslim migration took place from other Hindu majority areas of Jammu Province also it is rather difficult to make an estimate by comparing their numerical strength in those areas in 1941 and 1961. This is because when the province of Jammu lost some territory and population to POK in 1947, the size of Udhampur district was altered by adding to it the tehsil of Reasi and by carving out of it the entire district of Doda. Only the district of Jammu and Kathua were left untouched.*

Let us now consider a situation in which Muslim Conference of the Sheikh would have proceeded on to 1947 without any hindrance. In that event J&K State would be 'Pakistan' much before the real Pakistan created by the Britishers. The Muslim Conference was also favourably set being fuelled by Muslim League, strengthened sufficiently to create conditions in which Pakistan in 1947 would get whole of J&K State on a silver plate without firing a single bullet.

In short, National Conference was created in 1938-39, and Mahatma Budh Singh Tyagi was its first president. It was another golden opportunity for the Maharaja to win confidence of this national body and transfer power to it. It was during this stage that Gopalaswami Ayenger, the Prime Minister has firmly advised the Maharaja not to let go this opportunity from his hands. But the Maharaja acted in a diametrically opposite direction. He arrested all the stalwarts of the National Conference and even started negotiating with Muslim Conference.

The line of demarcation, drawn in the year 1939 in Socio-Economic Unrest in Jammu, is important to be visulised in true sense whereas the first part of the period 1931-38, the struggle against the Dogra rule was mainly communal, while, in the second part 1939-47 the struggle became Socio-Political and National. The 'Socio-Economic' struggle in Jammu Province was diverse in character. In the border areas, adjoining with the Punjab, the struggle was mainly communal directed at the economic evils as well as the non-muslim money lenders being the targets.[224] In other districts it was mild movement which also found expression in the Praja Sabha. The non-muslims would not rise socially against Dogra rulers. Despite minor unrest, the people held the Maharaja in high esteem. The Socio-Economic Unrest is natural in a political system. People fight for their rights vigorously as they awaken and their awareness

224. Lt. Gen Palit D. K. (Retd.) Jammu and Kashmir Arms, Dehradun, 1975, P 154.

increases. This Social process dissembled among the non-muslims during this period.

The Socio-Economic Unrest in the post 1939 period in Jammu had been expressing in concrete shape. The 'Roti' agitation in the mid forties of 20th century in Jammu and the reaction of the Government to it is an important issue to be analysied. It was, in reality, the failure of the administration but the Maharaja cannot absolve himself of his responsibility.[225] Killing was avoidable and such killing was a big blow to the ruler. The national movement of National Conference cashed on it and this National Conference party got a golden opportunity to win people over to it. Otherwise, the non-muslims of Jammu were only lukewarm towards the Sheikh. This was the first entry of National Conference in Jammu and this party made inroads into all the stronghold of population, which had been all along pro-Maharaja.

The National Conference which had a strong national support and blessings of Indian National Congress and its stalwarts like Gandhi, Nehru, Patel, Maulana Azad and others.[226] Inspite of this increased strength, the National Conference was not accepted by the Muslims of the border district of Muzaffarabad, Poonch and Mirpur. The Sheikh was little known in those districts and much less accepted by them. The message of National Conference had been reaching to those areas through Mahatma Budh Singh and Sant Singh Teg. The efforts of those two stalwarts had been defusing communal agitations which the administration and troops could not. Hari Saran Chadha, in his unpublished document 'Comrade Sant Singh' describes in detail the activities of Teg in great detail as an eye witness account. Muslim Conference was more active in those districts, and the Muslim League from adjoining Punjab was at their back. The communal hatred in the Muslim found full expression in the massacre of non-muslims in 1947.

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225. Santosh Koul, Freedom struggle in Jammu and Kashmir, 1962.
226. Saraf Mulk Raj, Op. cit, PP 154 - 156.

Then came 1947 with death and destruction in Punjab, Bengal and JandK State.[227] Millions lost their lives, millions were uprooted from the native lands, took refuge in other places and lived a life of druggery, poverty, and misery. In J&K State, border districts were involved. Sudden attack on Muzaffarabad by some 70 thousand Pak army and tribal is understandable. Maharaja's petty military could not protect the innocent people. Sacking of Brig. Pritam Singh by Nehru on the Sheikh's complaint was yet another most ignoble act on the part of the both. Brig. Pritam Singh, had saved lakhs of people from the jaws of death. Poonch was in siege for many months and but for the construction, of an air strip in the town by the army and the people combined, no life could be saved for which the whole credit goes to Brig. Pritam Singh.

Going over to the Maharaja again, it is painfully Stated that he lost still another opportunity of being helpful to the people of his State. As soon as he learnt that the Brig Rajinder Singh had been killed at Uri and the invaders were forgoing ahead on Srinagar, he left for Jammu with his petty troops, bag and baggages and paraphernalia.[228] This was a most disgraceful act on his part. He left, his subjects, at the mercy of the invaders and saved himself. Rather, he should have stayed in Srinagar for the common destiny with the helpless people of the Valley to share their sufferings. He could establish relief camps for the refugees, organize resistance to the invaders and encourage people to fight on. It was rather opportunity for him to retrieve his lost prestige. Sheikh Abdullah, picked up State administration from the streets of Srinagar after the Maharaja fled to Jammu and plunged headlong into the chaos and confusion in order to set things right. It goes to the credit of Sheikh that as at such a critical juncture, when the Pak invaders had reached out skirit of Srinagar town and the situation was hopeless, he could take

227. *M. Rai Satya, Partition of Punjab, Bombay 1965, P 41.*
228. *Lt. Gen. L. P. Sen, Slender was the thread, Delhi, 1969, P 28.*

National Conference along and the party stood as one man to organize resistance against the advance of the enemy. The party at that point of time displayed the highest order of secularism. He was supported by very large majority of Muslims of Kashmir Valley despite the negative role of the Muslim Conference. Here, we ought to recollect the supreme sacrifices rendered by Mohammad Maqbool Wani of Baramulla and Master Abdul Aziz of Muzaffarabad, who laid down their lives in protecting non-Muslims during those gory days.

Much has been said and written about the events under discussion at this moment and those that preceeded. What led the Sheikh to change his mind soon after the invaders had been driven back and the entire territory of the Maharaja was about to be cleared of the enemy, is a question for the historians to be viewed seriously and deeply. There are no two opinions that in advising and urging Nehru, he served his personal selfish end at the cost of national interest. Nehru conceded his demands and wishes. Let it be so. But the Sheikh's mind did not rest at that. He wanted an independent Kashmir and his adamancy on the issue let him to his overthrow and arrest and all that happened, thereafter. Why was he so circumstanced as to act in such a manner and jeopardize his career and also to jeopardize national interest and create most formidable situations for the country from which the nation has not come out yet? Why did he act so disgracefullv and ignobly soon after he had acted most nobly and gracefully in saving lives of non-muslims and was applauded by the entire nation, and then he relented after a lapse of a quarter of a century and took over the administration of State again. Why did he change after having lost most valuable long period in which he could serve people and set examples for other States of India to follow?

Having been educated and trained in Muslim fundamentalism in Aligarh University, Sheikh Mohammad Abdullah remained true to his education and training. He was

so hardened that Mahatma Budh Singh took 6 years to motivate him for national cause. It appears that he still had some reservations and did not change emotionally and spiritually. He changed only politically that too for a decade only and then his inner urges which were lying dormant since his change over to National Conference from Muslim Conference germinated. We are sorry for him.[229]

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229. Interview with S. Sohan Singh I. F. S.

LIST OF ABBREVIATIONS

S.No.	Abbreviated Letters and words	Terms and Expressions
1.	Adm. R.	Annual Administrative Reports of Jammu and Kashmir.
2.	App.	Appendix
3.	Agri.	Agriculture
4.	Census	Census of India
5.	G.O.I.	Government of India
6.	Begaar	Forced unpaid labour
7.	Chungee	This tax was deducted on account of toll at the rate of 4 traks per hundred kharwars
8.	Deodar	Cedrus deodara
9.	Ghumaons	One Ghumaon is equal to 8 kanals
10.	Hari Singhia rupee	This rupee was equivalent to Eight annas
11.	Harkar	The Police constable
12.	Jagirs	Free grant of land
13.	Kandi Area	Dry area where water availability is scarce
14.	Kankut	An estimate
15.	Khalsa land	It is Govt. land
16.	Khuls	Rivulets used for irrigation
17.	Lambardar	The Tax collector of the Village
18.	Loi	Blanket
19.	Macadam	The village headman
20.	Namadas	The rugs of wool
21.	Gaba	The blanket embroided with cotton or woolen yarn used as floor covering
22.	Nayabat	A group of village

S.No.	Abbreviated Letters and words	Terms and Expressions
23.	Nazrana	A tribute in the form of cash or service
24.	Patwari	A land record keeper
25.	Sarai	An inn
26.	Seer	Equal to 0.933 kg
27.	Shali	The Paddy crop
28.	Tambul	A marriage tax
29.	Tehsildar	Revenue collector of Tehsil
30.	Thanedar	Incharge of Police Post
31.	Trak	Tax equal to five seers
32.	Wazart	District
33.	Wazir-i-Wazarat	District collector
34.	Zar-i-Nikh	Tax on marriage
35.	Brig.	Brigadier
36.	C.O.	Commanding Officer
37.	Capt.	Captain
38.	Col.	Colonel
39.	Deptt.	Department
40.	D/Ps	Displaced Persons
41.	POK	Pak-Occupied Kashmir
42.	Ed	Editor
43.	Govt.	Government
44.	HQ/Hqrs.	Headquarters
45.	H.P.	Himachal Pradesh
46.	I.A.F.	Indian Air Force
47.	Ibid	Ibiden : in the same place
48.	Inf.	Infantary
49.	J&K	Jammu and Kashmir
50.	J.C.O.	Junior Commissioned Officer
51.	Kls.	Kanals
52.	Lt.	Lieutenant
53.	Lt. Col.	Lieutenant Colononel

S.No.	Abbreviated Letters and words	Terms and Expressions
54.	Lt. Gen.	Lieutenant General
55.	Mls.	Marlas
56.	M.M.G.	Medium Machine Gun
57.	Maj. Gen.	Major General
58.	N. A. I.	National Archives of India, New Delhi
59.	N. C. O.	Non-Commissioned Officer
60.	NK	Naik
61.	N.D.	No and dated
62.	Op. Cit.	Opere citats, in the work cited
63.	P	Page
64.	PP	Pages
65.	Pub.	Publication
66.	P.D.	Political Department
67.	P.R.O.	Provincial Rehabilitation Officer
68.	Pt.	Pandit
69.	R. S. Pura	Ranbir Singh Pura
70.	Rz.	Raizada
71.	Regt.	Regiment
72.	Tab.	Table
73.	U.P.	Uttar Pradesh
74.	Viz.	Videlicet; namely
75.	Wg. Comdr	Wing Commander
76.	Bk	Bakshi

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APPENDIX - 'A'

DISTRICT WISE DISTRIBUTION OF POPULATION OF THE HINDUS FROM 1931 TO 1961

District / Jagir.	1931	1941	1961
Jammu District	2,17,060	2,48,173	4,28,835
Kathua District	1,20,938	1,31,823	1,77,666
Udhampur District	1,65,172	1,74,401	1,65,506
Reasi District	79,012	Dismembered	——
Bhimber District	——	Dismembered	——
Mirpur District	57,594	63,576	Dismembered
Poonch (Jagir) After 1947	25,470	24,137	58,712
Bhaderwah (Jagir)	Dismembered	——	——
Doda District	Not created	——	92,797
Whole Jammu Province	6,65,246	6,42,110	9,23,516

APPENDIX - 'B'

DISTRICT WISE DISTRIBUTION OF POPULATION OF THE MUSLIMS FROM 1931 TO 1961

District / Jagiè	1931	1941	1961
Jammu District	1,49,336	1,70,789	51,847
Kathua District	39,647	45,214	27,005
Udhampur District	1,18,563	1,30,532	86,059
Reasi District	1,55,353	1,75,539	Dismembered
Bhimber District	——	Dismembered	——
Mirpur District	2,77,631	3,10,880	Dismembered
Poonch (Jagir) After 1947	3,50,491	3,82,722	2,59,082
Bhaderwah (Jagir)	——	1,74,489	
Whole Jammu Province	10,91,021	12,15,676	5,98,482

Figure based on census data, figures for Chenani Jagir have been included in Udhampur District.

APPENDIX - 'C'

DISTRICT WISE DISTRIBUTION OF POPULATION OF THE SIKH FROM 1931 TO 1961

District / Jagir	1931	1941	1961
Jammu	6,854	9,151	32,788
Kathua	478	431	2,553
Udhampur	332	455	2,259
Reasi	843	1,541	—
Bhimber	—	Dismembered	—
Mirpur	9,432	12,111	—
Poonch	11,344	14,877	8,193

Figures based on census data Udhampur District indicates the figures for Chenani & Bhaderwah Jagirs.

APPENDIX - D

CENSUS OF INDIA 1941

VOL. XXII, J&K STATE, PART IV

STATE TABLE I: AREA AND POPULATION OF TEHSILS, PAGE

S.No. Distt./Tehsils	Area in Sq/mile	Town	Villages	Population	male	F/male	Hindus	Community S.C.	Other	Hindus	Sikhs	Muslims
Christian Other												
Distt. Mirpur	1627	5	702	386655	196796	189859	3008	60658	12111	310880	88	–
1. Tehsil Kotli	574	1	224	111037	56706	54331	153	8228	1417	101230	–	–
2. Tehsil Mirpur	355	1	288	113203	56789	56414	35	6494	2225	104361	88	–
3. Tehsil Bhimber	698	3	190	162415	83301	79114	2820	45846	8469	105280	–	–
Poonch Jagir	1627	1	483	421828	213919	207909	410	23727	14877	382722	3	89
1. Tehsil Bagh	321	–	111	101091	50859	50232	27	1121	8051	91892	–	
2. Tehsil Sadnuti	348	–	101	108300	52046	56254	284	13516	4301	90125	–	74

S.No. Distt./Tehsils	Area in Sq/mile	Town	Villages	Population	male	F/male	Hindus	Community S.C.	Other	Hindus	Sikhs	Muslims
3. Tehsil Haveli	479	1	173	110733	58477	52256	12	5186	2334	103198	3	
4. Teshil Mendhar	479	–	98	101704	52537	49167	87	3904	191	97507	–	15
Distt. Reasi	1789	3	648	257903	135502	122401	15720	65005	1541	175539	98	
1. Rampur Rajouri Tehsil	806	1	324	140844	73644	67200	2207	26017	1225	111395	–	
2. Reasi Tehsil	983	2	324	117059	61858	55201	13513	38988	316	64144	98	
Distt. Muzaffarabad	2408	2	768	264671	141117	123554	8	5838	12922	245858	45	
1. Teh. Muzaffarabad	546	1	423	125585	66965	58620	–	3963	8810	112768	44	
2. Tehsil Uri	520	1	231	80223	42770	37453	–	1494	3617	75111	1	
3. Tehsil Karnah	1342	–	114	58863	31382	27481	8	381	495	57979	–	

* —> *Number of population varies by 74*

**—> *Number of population varies by 15*

*** —> *Area varies in 1981 census*

APPENDIX - E

STATEMENT OF DISPLACEMENT ACCORDING TO CENSUS REPORT OF 1941.

S. No.	Tehsil	Total no. of villages	Total pop.	Total no. of occupied Houses	Total M	Hindus F	Total M	Sikhs F
1	Karnah	39	14527	2737	122	90	198	85
2	Uri	81	30611	5746	222	175	408	345
3	Mendhar	30	28452	6290	1370	1392	45	16
4	Haveli	86	34065	6310	574	478	219	203
5	Muzaffarabad	425	112798	22888	2213	1750	4574	4236
6	Sadnoti	101	100470	22564	6798	7002	2071	2230
7	Bagh	112	94108	19507	670	560	4036	4015
8	Bhimber	120	92661	22566	11961	11187	2957	2875
9	Kotli	225	102153	24713	4312	4039	661	630
10	Mirpur	289	101102	28492	3532	3020	1160	1070
		1508	710947	161813	31734	29693	16329	15705

Total Hindus : 61427
Total Sikhs : 32034
Grand Total : **93461**

APPENDIX - F

STATEMENT SHOWING POPULATION AND AREA OF JAMMU AND KASHMIR STATE IN 1961.

	Area in square kilometers	Population
1. Jammu Province		
District	26,087,11	15,72,887
(a) Doda	11,343.28	2,68,403
(b) Jammu	3,234.70	5,16,932
(c) Kathua	2,651.96	2,07,430
(d) Poonch	4,374.19	3,26,061
(e) Udhampur	4,482.98	2,54,061
2. Kashmir Valley		
District	15,119.29	18,99,438
(a) Anantnag	5,430.81	6,54,368
(b) Baramulla	6,567.73	6,04,659
(c) Srinagar	3,120.75	6,40,4113
3. Ladakh	97,775.71	88,651
(a) Total	**1,38,982.11**	**35,60,976**

APPENDIX - G

DISTRICT WISE-SEX WISE POPULATION-2001

S.No.	District	Male	%age	Female	%age	Total
Jammu Division :						
1.	Doda	362471	52.50	328003	47.50	690474
2.	Jammu	835635	53.20	736276	47.80	1571911
3.	Kathua	285308	52.42	258898	47.58	544206
4.	Poonch	193970	52.20	177591	47.80	371561
5.	Rajouri	253129	52.90	225466	47.10	478595
6.	Udhampur	394949	53.44	344016	46.56	738965
Kashmir Divisions :						
7.	Anantnag	608720	52.02	561293	47.98	1170013
8.	Badgam	329717	52.14	302621	47.86	632338
9.	Baramulla	611131	52.38	555591	47.62	1166722
10.	Kupwara	331783	51.84	308230	48.16	640013
11.	Pulwama	334606	51.58	314156	48.42	648762
12.	Srinagar	633360	53.52	550133	46.48	1183493
Ladakh Region :						
13.	Kargil	60629	52.62	54598	47.38	115227
14.	Leh	65166	55.42	52471	44.60	117637
	J&K	5300574	52.64	4769343	47.36	10069917

Source : Directorate of Census Operations, J&K State.

APPENDIX - H

AREA WISE / SEX WISE POPULATION - 2001

S.No.	District	Rural		Urban		Total	
		Male	Female	Male	Female	Rural	Urban
1	2	3	4	5	6	7	8
Jammu Division :							
1.	Doda	330814	307851	31657	20152	638665	51809
		(51.80)	(48.20)	(61.10)	(38.90)	(100)	(100)
2.	Jammu	454333	418904	381302	317372	873237	698674
		(52.03)	(47.97)	(54.57)	(45.43)	(100)	(100)
3.	Kathua	243512	233358	41796	25540	476870	67336
		(52.16)	(47.84)	(54.04)	(45.96)	(100)	(100)
4.	Poonch	180782	167337	131881	0254	348119	132135
		(51.93)	(48.07)	(56.26)	(43.74)	(100)	(100)
5.	Rajouri	233763	211408	19366	14058	445171	33424
		(52.51)	(47.49)	(57.94)	(42.06)	(100)	(100)
6.	Udhampur	324212	296532	70737	47484	620744	118221
		(52.23)	(47.77)	(59.83)	(40.17)	(100)	(100)
Kashmir Divisions :							
7.	Anantnag	516825	484703	91895	76590	1001528	168485
		(51.60)	(48.40)	(54.54)	(45.46)	(100)	(100)
8.	Badgam	288625	269974	41092	32647	5585599	73739
		(51.67)	(48.3)	(55.73)	(44.27)	(100)	(100)
9.	Baramulla	504445	464603	106686	90988	969048	197674
		(52.05)	(47.95)	(53.97)	(46.03)	(100)	(100)
10.	Kupwara	316949	297729	14834	10501	614678	25335
		(51.56)	(48.44)	(58.55)	(41.45)	(100)	(100)
11.	Pulwama	296973	28212	37633	31944	325185	69577
		(51.27)	(48.73)	(54.08)	(45.92)	(100)	(100)
12.	Srinagar	131633	121724	501727	428409	253357	930136
		(51.95)	(48.05)	(53.94)	(46.06)	(100)	(100)
Ladakh Region :							
13.	Kargil	54560	50723	6069	3875	105283	9944
		(51.82)	(48.18)	(61.03)	(38.97)	(100)	(100)
14.	Leh	48420	41704	16746	10767	90124	27513
		(53.72)	(46.28)	(60.86)	(39.14)	(100)	(100)
	J&K	3925846	3638762	1374728	1130581	7564608	2505309
		(51.90)	(48.10)	(54.87)	(45.13)	(100)	(100)

Note : Figures in parenthesis show percentage to total.

Source : Directorate of Census Operations, J&K State.

APPENDIX - I

STATE WISE EMPLOYED PERSONS IN POPULATION (PRINCIPAL STATUS) DURING 1999-2000 (IN %)

State / UTs	Rural			Urban		
	Male	Female	Person	Male	Female	Person
1	2	3	4	5	6	7
Andhra Pradesh	59.9	44.3	52.1	50.8	15.9	33.7
Arunachal Pradesh	40.0	27.8	34.2	39.9	10.0	26.7
Assam	50.6	8.7	30.7	50.7	9.7	31.7
Bihar	48.6	13.2	31.6	42.8	6.4	25.8
Goa	53.1	14.8	33.8	49.5	9.8	30.3
Gujarat	57.7	31.1	44.5	53.2	11.4	33.3
Haryana	47.0	3.32	6.4	50.5	5.8	29.6
Himachal Pradesh	50.4	28.1	39.0	49.8	9.6	30.4
Jammu & Kashmir	53.3	4.6	30.0	47.3	4.1	26.8
Karnataka	59.3	35.4	47.4	54.3	16.7	35.9
Kerala	52.6	15.9	33.3	53.4	15.6	33.7
Madhya Pradesh	53.1	33.1	43.4	48.3	12.2	31.1
Maharashtra	52.3	39.3	46.0	52.8	12.2	33.6
Manipur	48.7	15.3	32.8	43.6	14.2	29.1
Meghalaya	55.6	41.4	48.4	39.3	19.6	29.6
Mizoram	52.5	36.7	44.8	46.0	24.6	35.1
Nagaland	50.7	24.5	38.5	39.1	15.8	28.5
Orissa	54.0	20.3	37.0	47.2	11.2	30.0
Punjab	52.6	4.0	29.2	54.1	7.3	32.5
Rajasthan	49.6	27.2	38.7	48.3	9.3	30.1
Sikkim	49.8	23.4	37.5	51.5	20.0	37.3
Tamilnadu	58.9	40.1	49.6	56.0	19.7	38.2
Tripura	50.2	6.9	30.1	49.0	7.2	29.1
Uttar Pradesh	46.9	12.2	30.0	48.4	6.6	28.8

State / UTs	Rural			Urban		
	Male	Female	Person	Male	Female	Person
1	2	3	4	5	6	7
West Bengal	52.4	11.6	32.3	56.1	10.2	34.0
A&N Island	54.0	16.0	35.7	62.7	16.9	40.1
Chandigarh	78.3	8.1	62.3	53.7	11.4	33.6
D&N Haveli	58.2	34.7	46.7	65.6	11.2	40.4
Daman & Diu	65.3	25.9	48.4	54.5	18.1	37.1
Delhi	52.0	2.2	30.5	52.6	8.2	32.0
Lakshdweep	49.0	8.1	26.3	41.2	10.3	26.1
Pondicherry	55.9	28.3	42.3	55.3	15.9	34.6
All India	52.2	23.1	38.0	51.3	11.7	32.4

Source : NSSO-2000 as cited in IJLE 45:4, Oct-Dec, 2002, Registrar, Directorate of Census operations, J&K State.

APPENDIX - J

UNEMPLOYED PERSONS IN POPULATION (USUAL STATUS)* 1999 -2000(IN %)

State / UTs	Rural			Urban		
	Male	Female	Person	Male	Female	Person
1	2	3	4	5	6	7
Andhra Pradesh	0.6	0.2	0.4	2.1	0.7	1.4
Arunachal Pradesh	0.3	0.0	0.2	0.7	1.0	0.8
Assam	1.7	1.1	1.4	4.4	2.6	3.6
Bihar	1.1	0.1	0.6	3.4	0.7	2.1
Goa	4.0	3.4	3.7	8.6	5.3	7.0
Gujarat	0.4	0.0	0.2	1.1	0.3	0.7
Haryana	0.5	0.0	0.3	0.4	0.3	0.9
Himachal Pradesh	1.0	0.3	0.6	3.3	1.1	2.3
Jammu & Kashmir	0.6	0.3	0.5	1.70	0.6	1.5
Karnataka	0.6	0.1	0.4	1.7	0.8	1.3
Kerala	3.4	3.5	3.5	3.3	5.1	4.2
Madhya Pradesh	0.3	0.1	0.2	2.2	0.2	1.2
Maharashtra	1.0	0.3	0.7	3.1	1.0	2.1
Manipur	1.0	0.4	0.7	3.3	1.4	2.3
Meghalaya	0.3	0.1	0.2	1.4	1.4	1.4
Mizoram	0.8	0.1	0.4	1.6	0.6	1.1
Nagaland	1.4	0.9	1.2	4.0	1.9	3.0
Orissa	1.4	0.3	0.8	3.6	0.8	2.3
Punjab	1.2	0.3	0.8	1.6	0.3	1.0
Rajasthan	0.3	0.0	0.2	1.3	0.3	0.8
Sikkim	1.7	0.5	1.1	3.7	2.5	3.2
Tamilnadu	1.6	0.4	1.0	2.1	1.1	1.6
Tripura	0.4	0.3	0.4	2.8	0.7	1.8
Uttar Pradesh	0.5	0.1	0.3	2.2	0.3	1.3
West Bengal	1.5	0.5	1.0	4.4	1.2	2.9
A&N Island	1.3	1.3	1.3	2.0	4.3	3.1
Chandigarh	0.5	0.1	0.4	1.8	1.7	1.8
D&N Haveli	0.9	0.0	0.5	0.8	0.0	0.4
Daman & Diu	1.0	0.0	0.6	0.7	1.7	1.2
Delhi	2.1	0.8	1.5	1.8	0.4	1.1
Lakshdweep	5.4	8.5	7.1	2.9	4.1	3.5
Pondicherry	2.8	0.7	1.8	1.9	1.2	1.5
All India	0.9	0.3	0.6	2.4	2.8	1.7

Note: *= Excluding those Employed in a Subsidiary Status

APPENDIX - K

LITERACY RATE IN J & K - 2001 (IN PERCENT)

S.No.	District	Male	Female	Total	Rank
Jammu Division :					
1.	Doda	63.56	28.35	46.92	10
2.	Jammu	84.92	68.75	77.30	1
3.	Kathua	75.73	53.92	65.29	2
4.	Poonch	65.41	35.30	51.07	8
5.	Rajouri	69.64	44.14	57.65	6
6.	Udhampur	66.43	39.89	54.16	7
Kashmir Divisions :					
7.	Anantnag	55.56	31.51	44.10	12
8.	Badgam	52.51	28.14	40.94	13
9.	Baramulla	56.39	31.42	44.57	11
10.	Kupwara	53.55	26.83	40.80	14
11.	Pulwama	59.24	35.40	47.76	9
12.	Srinagar	68.85	47.97	59.18	4
Ladakh Region :					
13.	Kargil	73.58	40.96	58.21	5
14.	Leh	71.98	50.03	62.24	3
	J&K	65.75	41.82	54.46	

Source : Directorate of Census Operations, J&K State.

APPENDIX - L

NUMBER OF SCHOOLS IN - 2000

	State / UTs	Primary / Senior Basic School	Middle/Senior Basic School	High. Sec. Hr.Sec.Intermediate Pre. Degree/Jr. College.
1.	Andhra Pradesh	55901	9804	12611
2.	Arunachal Pradesh	1303	333	184
3.	Assam	33236	8019	4753
4.	Bihar	53351	13571	5008
5.	Goa	1046	91	436
6.	Gujarat	15602	21143	6343
7.	Haryana	11013	1892	4228
8.	Himachal Pradesh	10508	1709	1832
9.	Jammu & Kashmir	10860	3487	1511
10.	Karnataka	22314	27634	10210
11.	Kerala	6758	2973	4182
12.	Madhya Pradesh	87049	26349	10199
13.	Maharashtra	42167	24203	15337
14.	Manipur	2572	730	605
15.	Meghalaya	4685	1041	572
16.	Mizoram	1224	734	413
17.	Nagaland	1491	469	338
18.	Orissa	42104	11510	7196
19.	Punjab	13076	2534	3388

State / UTs	Primary / Senior Basic School	Middle/Senior Basic School	High. Sec. Hr.Sec.Intermediate Pre. Degree/Jr. College.
20. Rajasthan	34948	16336	6709
21. Sikkim	501	129	110
22. Tamilnadu	31142	5703	7939
23. Tripura	2081	427	629
24. Uttar Pradesh	97836	22119	9915
25. West Bengal	52385	2383	9398
26. A&N Island	207	55	92
27. Chandigarh	46	34	105
28. D&N Haveli	138	57	16
29. Daman & Diu	53	22	25
30. Delhi	2735	666	1554
31. Lakshdweep	19	02	15
32. Pondicherry	337	110	194
India	638738	206269	126047

Note : Data as per Association of Indian Universities (As on Sept. 2000)*= Union Territories

Source : Selected Educational Statistics, 2000-01, Ministry of Human Resource

Development, Government of India.

APPENDIX - M

VILLAGE INDUSTRIES IN J&K IN 2001 (RS IN LAKHS)

		Units	Individual	Employment	Production	Sales	Wages Paid
(i)	Village leather industry	307	3900	15889	2005.72	2147.85	549.53
(ii)	Village oil Industry	222	1420	6097	602.42	635.74	188.13
(iii)	Village pottery	146	3242	9084	1102.97	1152.17	358.19
(iv)	Blacksmithy and carpentry	137	4743	12707	21023.23	2271.89	624.63
(v)	Bee-Keeping	13	924	859	24.42	28.22	10.43
(vi)	Fiber industry	52	2624	5216	351.27	401.09	124.08
(vii)	Soap	7	16	93	17.34	22.58	3.61
(viii)	Lime	17	122	495	54.08	60.27	17.50
(ix)	Fruit Preservation	5	221	175	36.75	39.39	12.47
(x)	Cottage match	3	2	12	1.99	2.20	0.76
(xi)	Gur and Khandsari	8	17	22	4.93	5.21	1.41
(xii)	P.C.P.	44	4784	7339	807.60	903.29	265.23
(xiii)	Aluminum	—	9	4	0.61	0.63	0.21
(xiv)	H.P.M.	15	134	335	32.62	33.37	11.00
(xv)	Katha	1	—	—	—	—	—
(xvi)	Medical Plants	—	1	—	—	—	—
(xvii)	Textile / Hosiery	12	422	486	66.68	74.77	15.70
(xviii)	Engineering	—	—	—	—	—	—
(xix)	Service	—	199	182	14.30	18.20	9.69
(xx)	Chemicals	—	10	65	9.23	9.08	3.32
(xxi)	Copper/ Brass	—	36	112	9.42	12.03	3.38
	Total	989	25161	56964	5587.27	6222.47	1848.95

APPENDIX - N

YATRIES COMING TO VAISHNO DEVI JI AND AMAR NATH JI HOLY CAVES

(in lakh numbers)

S.No.	Year	Amar Nath Ji Holy Cave	Vaishno Devi Ji Holy Cave
1.	1950-51	NA	0.03
2.	1955-56	NA	0.06
3.	1960-61	0.04 (1963)	1.60
4.	1965	0.07	2.30
5.	1967	0.08	2.12
6.	1973	0.04	4.54
7.	1974	0.07	5.81
8.	1978	0.14	8.82
9.	1979	0.11	11.25
10.	1980	0.20	12.13
11.	1981	0.20	12.13
12.	1982	0.25	11.89
13.	1983	0.21	12.83
14.	1984	0.10	1.08
15.	1985	0.42	14.85
16.	1986	0.51	13.97
17.	1987	0.52	18.58
18.	1988	0.96	19.93
19.	1989	0.95	23.12
20.	1990	0.05	21.69
21.	1991	0.16	31.51
22.	1992	0.55	35.27
23.	1993	0.56	33.69
24.	1994	0.37	37.06
25.	1995	0.60	40.12
26.	1996	1.20	43.35
27.	1997	0.79	44.34
28.	1998	1.50	46.22
29.	1999	1.14	44.81

Source : Office Director Tourism, J&K

TOURISTS COMING TO KASHMIR VALLEY (IN THOUSAND NUMBERS)

S.No.	Year	Indian	% age of total	Non-Indian	% age of total	Total
1	2	3	4	5	6	7
1.	1951	9.33	88.18	1.25	11.82	10.58
2.	1955	48.19	94.45	2.83	5.55	51.02
3.	1960	63.37	84.99	11.19	15.01	74.56
4.	1965	35.70	82.77	7.43	17.23	43.13
5.	1969	129.75	92.22	10.95	7.78	140.70
6.	1973	175.83	89.78	20.01	10.22	195.84
7.	1974	148.32	88.49	19.30	11.51	167.62
8.	1978	443.34	88.20	59.32	14.80	502.66
9.	1979	498.06	89.94	55.68	10.05	553.74
10.	1980	548.49	92.26	46.03	7.17	594.52
11.	1981	598.55	93.19	43.74	6.81	642.29
12.	1982	560.98	92.90	42.85	7.10	603.83
13.	1983	398.43	90.65	41.10	9.35	439.53
14.	1984	192.68	84.09	36.46	15.91	229.14
15.	1985	465.50	92.45	38.02	7.55	503.62
16.	1986	536.60	90.99	53.12	10.50	589.72
17.	1987	664.08	92.02	57.57	7.98	721.65
18.	1988	662.10	91.70	59.93	8.30	722.03
19.	1989	490.22	87.86	67.76	12.14	557.98
20.	1990	6.10	56.90	4.62	43.10	10.72
21.	1991	1.40	22.25	4.48	73.77	6.72
22.	1992	1.18	11.42	9.15	88.58	10.33
23.	1993	—	—	8.03	100.00	8.03
24.	1994	0.50	5.10	9.31	94.90	9.81
25.	1995	0.32	3.76	8.20	96.24	8.52
26.	1996	0.37	3.71	9.89	99.29	9.96
27.	1997	7.02	43.52	9.11	56.48	16.13
28.	1998	99.64	90.67	10.25	9.33	109.89
29.	1999	199.90	92.59	15.99	7.41	215.89
30.	2000	104.34	93.23	7.58	6.77	111.92
31.	2001	66.73	91.93	5.86	8.07	72.59

Source : Office of the Director Tourism, J&K

APPENDIX - O

TOURIST ARRIVAL IN JAMMU AND KASHMIR 1988 - 2002

Year Valley	Kashmir valley			Ladkh			Amarnath	Vaishnodevi		
	D	F	T	D	F	T		State	O.St.	T
1988	662097	59938	722035	8608	16256	24864	96055	259891	1732764	1992695
1989	490212	67762	557977	6689	16079	22748	95238	262691	2049310	2312001
1990	6095	4627	10722	396	8342	6738	4824	395202	1774000	2169202
1991	1400	4887	3267	1041	8014	9055	15599	439722	271588	3151310
1992	1175	9149	10324	2438	13580	16018	54638	445580	301709	3527289
1993	—	8026	8026	2000	12401	14401	56000	461443	2907302	3368735
1994	500	9314	9814	2080	15369	17449	37000	471101	3234844	3705945
1995	322	8198	8520	5594	12391	17985	60000	549778	3482349	4032127
1996	375	9592	9967	3537	13036	16573	120000	582213	3753319	4335532
1997	7027	9111	16131	3991	12810	16801	79035	495165	3939085	4434233
1998	99636	10247	109883	6792	15238	22030	149920	540453	4081639	4622097
1999	200162	17130	217292	1905	96669	11574	114366	635042	4033298	4667340
2000	104337	7575	111912	6217	11825	18042	173334	—	—	5109575
2001	66732	5859	72591	4260	15439	19699	119037	—	—	5056919
2002	7993	1015	9008	87	361	448	N.A	—	—	1053771

Note : D-Domestic, F-Foreign; T-Total; O.St-Outside State

* *Tourist arrival figures for the year 2002 is up to May for Kashmir Valley, up to April for Ladakh & Vaishno Devi.*

Source : Directorate of Tourism, J&K Government

APPENDIX - P

LAND OWNERSHIP RIGHTS

District	Land of which right extinguished	Ex-owner whose rights extinguished	No. of prospective owners area
Jammu Division :	22.55 (64.30)	2.90 (39.40)	3.12
Doda	3.25 (14.41)	0.84 (28.96)	0.82
Jammu	4.86 (21.55)	0.42 (14.45)	0.57
Kathua	3.29 (14.58)	0.56 (19.31)	0.49
Poonch	0.67 (2.97)	0.19 (6.55)	0.16
Rajouri	3.05 (13.52)	0.29 (9.6)	0.38
Udhampur	7.43 (32.94)	0.61 (21.03)	0.72
Kashmir Division :*	12.52 (35.70)	4.46 (60.60)	5.25
Anantnag	3.32 (26.51)	1.09 (24.43)	1.24
Badgam	2.07 (16.53)	0.50 (11.21)	0.87
Baramulla	2.28 (18.21)	0.95 (21.30)	1.00
Kupwara	1.14 (9.10)	0.61 (13.67)	0.64
Pulwama	1.14 (9.10)	0.65 (14.57)	0.82
Srinagar	1.2 (9.6)	0.50 (11.21)	0.52
Kargil	0.16 (1.27)	0.10 (2.24)	0.10
Leh	0.22 (1.75)	0.06 (1.34)	0.06
J&K	35.07	7.36	8.37

Note : (i) Figures in parentheses indicate percentage.

(ii) *=includes Kargil & Leh from Ladakh region.

Source : Complied from revenue records, Govt. of J&K.

APPENDIX - Q

VILLAGES BROUGHT UNDER AGRARIAN REFORMS UPTO SEPT. 2001

District	Total Villages	Villages brouht under Agrarian Reforms	Villages completed in full
Jammu Division :	3654	3525	1982 (56.2)
Doda	651	645	NA
Jammu	1224	1156	488 (37.9)
Kathua	587	570	433 (76.0)
Poonch	177	169	169 (100.0)
Rajouri	385	370	363 (98.1)
Udhampur	630	615	529 (97.6)
Kashmir Division :*	3261	3234	2236 (69.1)
Anantnag	657	657	337 (51.3)
Badgam	509	508	327 (64.3)
Baramulla	666	658	463 (70.4)
Kupwara	378	377	376 (99.4)
Pulwama	561	561	433 (77.2)
Srinagar	253	243	87 (35.8)
Kargil	124	124	121 (97.6)
Leh	113	106	92 (86.8)
J&K	6915	6759	4218 (97.74)

Note: i) Figures in bracket indicate percentage.
ii) *=includes Kargil & Leh from Ladakh region.
iii) NA = Not Available

Source: Complied from revenue records, Govt. of J&K.

APPENDIX - R

PERCENTAGE OF CHILD POPULATION (0–6 AGE GROUP) IN J&K - 2001

	District	Rural	Urban	Total	Rank
Jammu Division :					
1.	Doda	17.59	10.38	17.04	3
2.	Jammu	13.57	10.96	12.41	11
3.	Kathua	15.28	12.13	14.83	9
4.	Poonch	18.11	11.22	17.67	1
5.	Rajouri	16.78	11.83	16.43	4
6.	Udhampur	17.15	11.17	16.20	5
Kashmir Division :					
7.	Anantnag	14.97	10.91	14.39	10
8.	Badgam	15.35	11.19	14.87	8
9.	Baramulla	15.93	11.81	15.23	7
10.	Kupwara	17.42	13.25	17.25	2
11.	Pulwama	12.46	8.99	12.09	12
12.	Srinagar	14.40	8.97	10.13	13
Ladakh Region :					
13.	Kargil	15.96	10.03	15.44	6
14.	Leh	5.33	8.87	6.16	14
	J&K	15.52	10.28	14.31	

Source : Directorate of Census Operations, J&K State.

APPENDIX - S

GROWTH OF SMALL SCALE INDUSTRIES IN J&K

Years	No. of Units	Annual Growth Rate (in %)	No. of Emp	Annual Growth Rate (in %)
1973-74	2203	—	N.A.	—
1977-78	3498	58.78	17252	—
1980-81	8428	140.94	42992	149.20
1985-86	18520	119.74	84821	97.29
1989-90	28168	52.09	123472	45.57
1990-91	29963	6.37	131164	6.23
1991-92	32250	7.63	141791	8.10
1992-93	33445	3.71	146143	3.07
1993-94	34548	3.30	150628	3.07
1994-95	35592	3.02	154692	2.70
1995-96	36821	3.45	159671	3.22
1996-97	38029	3.28	165064	3.38
1997-98	39436	3.70	171962	4.18
1998-99	40627	3.02	178004	3.51
1999-00	41950	3.26	183698	3.20

Source : Directorate of Industries and Commerce, J&K, Govt.

APPENDIX - T

JUDICIAL SECRETARIAT JAMMU AND KASHMIR GOVERNMENT STATE SUBJECT DEFINITION

Notification dated Jammu, the 20th April 1927

No. 1-L/84. The following definition of the term "State Subject", has been sanctioned by His Highness the Maharaja Bahadur (Vide Private Secretary's letter No: 2354 dated 31st January 1927 to the Revenue member of council) and is hereby promulgated for general information.

The term State Subject means and includes—

Class - I

All person born and residing within the state before the commencement of the reign of His Highness the late Maharaja Gulab Singh Sahib Bahadur, and also persons who settled therein before the commencement of Sambat year 1942 (1885 A.D) and have since been permanently residing therein.

Class - II :- All persons, other than belonging to class I who settled within the State before the close of Sambat year 1968 (1911 A.D) and have since permanently resided and acquired immovable property therein.

Class - III :- All Persons, other than those belonging to classes I and II permanently residing within the State, who have acquired under a Rayatnama, any immovable, property therein, or who may hereafter acquire such property under Ijazatnama and may execute a Rayatnama, after 10 years continuous residence therein.

[Class - IV:- Companies which have been registered as such within the State and which, being companies in which the

Government are financially interested or as to the economic benefit to the state or to the financial stability of which the Government are satisfied, have by a special order of His Highness been declared to be State Subjects}.

Note (I) In matters of grants of state scholarships, state lands for agricultural and house building purposes and recruitment of state services, state subjects of Class I should receive preference over other classes and those of Class II, over Class III, subject, however, to the order dated 31st January 1927 of His Highness the Maharaja Bahadur regarding employment of hereditary state subjects in Government service.

Note (II) the descendants of the persons who have secured the status of any class of the state subject will be entitled to become the state subjects of the same class. For example if A is declared a state subject of class II his sons and grandsons will *ipso facto* acquire the status of the same class (II) and not of class I.

Note (III) The wife or widow of a state subject of any class shall acquires the status of her husband as state subject of the same class as her husband, so long as she resides in the state and does not leave the state for permanent residence outside the state.

[Note (IV) For the purposes of interpretation of the term 'State Subject' either with reference to any law for the time being in force or otherwise, the definition given in this Notification as amended up to date shall be read as if such amended definition existed in this Notification as originally issued.]

NOTIFICATION

(Issued by order of His Highness the Maharaja Bahadur dated Srinagar, the 27th June, 1932/14th Har, 1989. published in Government Gazette dated 24th Har, 1989)

No. 13L/1989. – Whereas it is necessary to determine the status of Jammu and Kashmir State Subject in foreign territiories and to inform the Governments of Foreign States as to the position of their nationals in this State; it is hereby commanded and notified for public information, as follows :-

1. That all emigrants from the Jammu and Kashmir State to foreign territories shall be considered State Subjects and also the descendants of these emigrants born abroad for two generations:

   Provided that, these nationals of the Jammu and Kashmir State shall not be entitled to claim the internal rights granted to subjects of this State by the laws, unless they fulfil the conditions laid down by those laws and rules for the specific purposes mentioned therein.

2. The foreign nationals residing in the State of Jammu and Kashmir shall not acquire the nationality of the Jammu and Kashmir State until after the age of 18 on purchasing immovable property under permission of an *ijazatnama* and on obtaining a *rayatnama* after ten years continuous residence in the Jammu and Kashmir State as laid down in Notification No. I-L of 1984, dated 20th April, 1927.

3. Certificates of nationality of the Jammu and Kashmir State may, on application, be granted by the Minister-in-Charge of the Political Department in accordance with the provisions of section 1 of this Notification.

APPENDIX - U

LETTER OF OCTOBER 26, 1947, FROM MAHARAJA HARI SINGH TO LORD MOUNTBATTEN, REQUESTING THE ACCESSION OF THE STATE TO INDIA

My Dear Lord Mountbatten,

I have to inform Your Excellency that a grave emergency has arisen in my State and request immediate assistance of your Government.

As Your Excellency is aware, the State of Jammu and Kashmir has not acceded to either the Dominion of India or to Pakistan. Geographically, my State is contiguous to both the Dominions. It has vital economical and cultural links with both of them. Besides my State has a common boundary with the Soviet Republic and China. In their external relations the Dominions of India and Pakistan cannot ignore this fact.

I wanted to take time to decide to which Dominion I should accede, whether it is not in the best interest of both the Dominions and my State to stand independent, of course with friendly and cordial relations with both.

I accordingly approached the Dominions of India and Pakistan to enter into a standstill agreement with my State. The Pakistan Government accepted this arrangement. The Dominion of India desired further discussion with representatives of my Government. I could not arrange this in view of the developments indicated below. In fact the Pakistan Government under the standstill agreement is operating the Post and Telegraph system inside the State.

Though we have got a standstill agreement with the Pakistan Government, that Government permitted steady and

increasing strangulation of supplies like food, salt and petrol to my State.

Afridis, soldiers in plain clothes, and desperadoes, with modern weapons, have been allowed to infilter into the State at first in Poonch area, then from Sialkot and finally in mass in the area adjoining Hazara District on the Ramkote side. The result has been that the limited number of troops at the disposal of the State had to be dispersed and thus had to face the enemy at several points simultaneously so that it has become difficult to stop the wanton destruction of life and property and looting. The Mahoora Power House which supplies the electric current to the whole of Srinagar has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let loose on the State are marching on with the aim of capturing Srinagar, the Summer Capital of my Government, as a first step to over-running the whole State.

The mass infiltration of tribesmen drawn from the distant areas of the North-West Frontier Province, coming regularly in motor trucks, using Mansehra – Muzaffarabad road and fully armed with up-to-date weapons cannot possible be done without the knowledge of the Provincial Government of the North-West Frontier Province and the Government of Pakistan. In spite of repeated appeals made by my Government no attempt has been made to check these raiders or stop them from coming into my State. In fact, both the Pakistan Radio and press have reported these occurrences. The Pakistan Radio even put out a story that a Provisional Government has been set up in Kashmir. The people of my State both Muslims and non-Muslims, generally have taken no part at all.

With the conditions obtaining at present in my State and the great emergency of the situation as it exist I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding

to the Dominion of India. I have accordingly decided to do so, and in attach the Instrument of Accession for acceptance by your Government. The other alternative is to leave my State and my people to free-booters. On this basis no civilized Government can exist or be maintained. This alternative I will never allow to happen so long as I am the Ruler of the State and I have life to defend my country.

I may also inform Your Excellency's Government that it is my intention at once to set up an Interim Government and ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister.

If my State has to be saved, immediate assistance must be available at Srinagar. Mr. V. P. Menon is fully aware of the situation and he will explain to you, if further explanation is needed.

In haste and with kindest regards.

Yours Sincerely,

Hari Singh

APPENDIX - V

INSTRUMENT OF ACCESSION OF JAMMU AND KASHMIR STATE

Whereas, the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1953, shall with such omissions, additions, adaptations and modifications as the Governor-General may by order specify, be applicable to the Dominion of India;

And whereas the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof;

Now, therefore, I Shriman Indar Mahandar Rajrajeshwar Maharajadhiraj Shri Hari Singhji Jammu Kashmir Naresh Tatha Tibbet adi Deshadhpathi Ruler of JAMMU AND KASHMIR State in the exercise of my sovereignty in and over my said State do hereby execute this my Instrument of Accession and-

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes of the Dominion, exercise in relation to the State of Jammu and Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August, 1947 (which Act as so in force is hereinafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be constructed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by an Instrument supplementary to this Instrument.

6. Nothing in the Instrument shall empower the Dominion Legislature to make any law for this State authorizing the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purpose of a Dominion Law which applies in this State deem it necessary to acquire any land, I will at their requisite acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in the Instrument shall be deemed to commit me in any way to acceptance of any future Constitution of

India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution

8. Nothing in the Instrument affects the continuance of my sovereignty in and over this State, or save as provided by or under this Instrument, the exercise or any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th day of October Nineteen Hundred and Forty-Seven.

(Sd.) HARI SINGH

Maharajadhiraj of Jammu and Kashmir State.

I do hereby accept this Instrument of Accession.

Dated this Twenty-Seventh day of October Nineteen Hundred and Forty-Seven.

(Sd.) MOUNTBATTEN OF BURMA

(Governor-General of India)

APPENDIX - W

KASHMIR ACCORD (FEBRUARY 1975)

Agreed conclusions which led to Sheikh Mohammad Abdullah's accord with Mrs. Indira Gandhi, Prime Minister, and his subsequent assumption of office as Chief Minister in February, 1975.

1. The State of Jammu and Kashmir which is a constituent unit of the Union of India, shall, in its relations with the Union, continue to be governed by Article 370 of the Constitution of India.

2. The residuary powers of legislation shall remain with the State; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution.

3. Where any provision of the Constitution of India has been applied to the State of Jammu and Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repeals by an Order of the President under Article 370, each individual proposal in this behalf being considered on its merits; but provisions of the Constitution of India already applied to the State of Jammu and Kashmir without adaptation or modification are unalterable.

4. With a view to assuring freedom to the State of Jammu and Kashmir to have its own legislation on matters like

welfare measures, cultural matters, social security, personal law, and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State Government can review the laws made by Parliament or extended to the State after 1953 on any matter relatable to the Concurrent List and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Article 254 of the Constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted, in regard to the laws to be made by Parliament in future under the proviso to clause (2) of that Article. The State Government shall be consulted regarding the application of any such law of the State and the views of the State Government shall receive the fullest consideration.

5. As an arrangement reciprocal to what has been provided under Article 368, a suitable modification of that Article as applied to the State should be made by Presidential Order to the effect that no law made by the Legislature of the State of Jammu and Kashmir, seeking to make any change in or in the effect of any provision of the Constitution of the State of Jammu and Kashmir relating to any of the under mentioned matters, shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent, the matters are:

   (a) The appointment, powers, functions, duties, privileges and immunities of the Governor; and

   (b) The following matters relating to Elections, namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage, and composition of the Legislative

Council, being matters specified in sections 138, 139, 140 and 150 of the Constitution of the State of Jammu and Kashmir.

6. No agreement was possible on the question of nomenclature of the Governor and the Chief Minister and the matter is therefore remitted to the Principals.

Mirza Mohammad Afzal Beg
Date : November, 13, 1974

G. Parthasarathi
New Delhi
Date : November 13, 1974

APPENDIX - X

GOVERNMENT OF JAMMU AND KASHMIR

AN ACT TO PROVIDE FOR THE ABOLITION OF BIG LANDED ESTATES AND THEIR TRANSFER TO ACTUAL TILLERS

Act No. XVII of 2007

(As amended by Act No. XV of 2008)

Whereas no lasting improvement in agricultural production and efficiency is possible without the removal of intermediaries between the tiller of the soil and the State;

And whereas for the achievement of this objective it is expedient to provide for the abolition of such proprietors has own big landed estates and to transfer the land held by them to the actual tillers;

Now, therefore, in exercise of the powers vested under section 5 of the Jammu and Kashmir Constitution Act 1996, read with the proclamation issued by His Highness and published in the Extra ordinary issue of the Government Gazette dated the 7th Har, 2006, Shree Yuvaraj Karan Singh ji Bahadur is pleased to enact as follows:

1. Short title, extent and commencement – (1) This Act may be called the Jammu & Kashmir Big Land Estates Abolition Act, 2007.
2. It shall extend to the whole of the Jammu & Kashmir State.
3. It shall come into force from the date it is published in the Government Gazette.

2. Definition – In this act, unless there is anything repugnant in the subject or context –

(a) "Land" means land which is occupied or has been let for agricultural purposes or for purposes sub-servient to agriculture, or for pasture, and includes –

i) The sites of buildings and other structures on such land;

ii) Trees standing on such land;

iii) Areas covered by or fields floating over water;

iv) Sities of jandars and gharats; and

v) Forest land and wooded wastes;

But does not include the site of any building in a town or village abadi or any land appurtenant to such building or site;

(b) "Proprietor" means a person owning the land, and includes

i) An inferior land-owner;

ii) A person who is recorded as *Qabiz* in respect of the holding of Gair Hazir or Gair Qabiz in the revenue record; and

iii) The successor in interest of a proprietor;

(c) "Prescribed" means prescribed by rules made under this Act;

(d) "Tiller" means a person who tills land with his own hands, and with reference to the land held by a proprietor has, on the date of the commencement of this Act, been in cultivating possession of such land and included a tenant who after 1st *Baisakh*, 2004, has been ejected otherwise than in due course of law

or has ceased to cultivate the land owing to reasons beyond his control; but does not include-

a) A trespasser;

b) A servant who is paid in cash or kind for his services;

c) A person who is not the actual beneficiary; and

d) A hired labourer; and

e) Words and expressions not defined in this Act shall have the meaning assigned to them in the Jammu & Kashmir Land Revenue Act, 1996, the Jammu and Kashmir Tenancy Act, 1980, and the Code of Civil Procedure, 1977.

4. Act not to apply to certain lands. – Nothing in this Act shall apply to-

a) Any land which is occupied as the site of a town or village and is not assessed to land revenue;

b) Any revenue-paying land occupied, used or transferred after the Samvat year (1990) for building purposes situated in an area declared as a Municipality or Notified Area under the provisions of the Jammu and Kashmir Municipal Act for the time being in force, or a cantonment under the provisions of the Jammu and Kashmir Cantonment Act, 1991, or a Town Area under the provisions of the Jammu and Kashmir Town Area Act for the time being in force, or in an area in which a town planning scheme is sanctioned under the Jammu and Kashmir Town Planning Act, 1977, or such villages in the vicinity of a city or town areas are specified by the Government, and

c) Any land owned by the State or any department of the State of any local body or a Cooperative Society

registered under the provision of the Jammu and Kashmir Cooperative Societies Act, 1933 other than land which was owned by a person declared as an enemy agent and has since been forfeited to His Highness under the Enemy Agents (Confiscation of Property) Ordinance, 2004.

4. Extinction of the right of ownership in certain lands -

(1) Notwithstanding anything contained in any law for the time being in force, the right of ownership held by a proprietor in land other than land mentioned in sub-section (2) shall, subject to the other provisions of this act, extinguish and cease to vest in him from the date this Act comes into force:

[Provided that the right of ownership held by a proprietor in land covered by sub-clause (v) of clause (a) of section 2 shall extinguish and cease to vest in him from the date the Big Landed Estates Abolition (Amendment) Act, 2008, is published in the Government Gazette, and such proprietor shall have the right to exchange such land with the unit of land for which he has exercise his right of section under clause (a) of sub-section (2)]

(2) Extinction of the right of ownership under sub-section (1) shall not apply to –

a) Unit of land not exceeding 182 Kanals including residential sites, bedzars and Safedzars;

b) Kah Krisham areas, Araks, Kaps and (such lands including those used for raising fuel or fodder, as are unculturable); and

c) Orchards;

Provided that the Governmen' may dispose of

the land mentioned in clause (b) in such manner as may be recommended by the committee that shall be set up for this purpose.

(3) Every proprietor, and in case of a proprietor who is an evacuee as defined in the Jammu and Kashmir State Evacuee's (Administration of Property) Act, 2006, the Custodian shall have the option, subject to the provision of section 14, to select the land mentioned in clause (a) of sub-section (2).

5. Transfer of land to tillers – (1) Ownership rights of such land of a proprietor of which the right of ownership is extinguished under section 4 and of land (other than orchards) that was owned by a person declared as an enemy agent and has since been forfeited to His Highness under the Enemy Agents (Confiscation of Property) Ordinance, 2004, shall be transferred to the tillers of such land to the extent of their actual possession in *kharief,* 2007;

Provided that no tiller shall, with the land so transferred and that which he already owns, posses more than 160 *Kanals* in ownership right:

Provided further that no land shall be transferred to such tillers as are not State Subjects as define in the Judicial Department Notification No. 1-L/84, dated the 20th April, 1927:

Provided also that no land shall be transferred to such tiller of the land owned by a proprietor who is an evacuee as defined in the Jammu and Kashmir State Evacuee's (Administration of Property) Act, 2006, as was not a tenant of such land prior to *Rabi,* 2004.

2. The tiller to whom land is transferred under sub-section (1) shall be liable to pay land revenue and other dues for the time being in force with respect to such land and shall

also pay a special cess to be called the "Land Development Cess" at such rate as is determined by the Government under rules.

3. The transfer of ownership under sub-section (1) shall not affect the joint liability of the entire estate or of the land-holders thereof, for the revenue payable after such transfer in respect of the land in cases where under section 54 of the Land Revenue Act, 1996, such liability exists.

4. The land revenue to the payment of which the lands transferred shall be liable, shall be reckoned at village revenue rates and where no such rates by classes of soil are available or where such rates are found to be lower than those obtaining in any of the village or villages adjoining the village in which the lands so transferred are situate, at such rates as may be sanctioned by the Revenue Minister, and shall be deemed as if it were fixed under Chapter VI of the Land Revenue Act, 1996, and as if the land also transferred had been settled with the tillers to whom land are transferred:

Provided that the village revenue rates sanctioned by the Revenue Minister shall in no case exceed the highest Bachh rates adopted during the last Settlement for the same classes of soil in the villages within the Assessment Circle in which the lands so transferred are included.]

5. Nothing in this section shall preclude the Government, at any time, to revise the quantum of land transferred to the tillers, and when such revision is made the land left with or transferred to the tiller shall be deemed, as if it had been transferred under the provisions of this section and to which install the provisions of this Act shall apply:

6. Lands of which there are no tillers –

i) a) All lands of which the right of ownerships is

extinguished under section 4 and which are not in the cultivating possession of or cannot, under the provisions of section 5, be transferred to, any tiller; and

b) All lands which were owned by persons declared as enemy agents and have since been forfeited to his Highness under the Enemy Agents (Confiscation of Property) Ordinance 2004 and are not in the cultivating possession of, or cannot, under the provisions of section 5, be transferred to, any tiller, shall vest in the State from the date of the commencement of this Act.

ii) The lands mentioned in sub-section (1) may be utilized in such manner as the Government decide, or the Government may in respect of the lands mentioned in clause (a) of sub section (1) permit the ex-proprietor to retain possession of the land, subject to such terms and conditions as are settled by the Revenue Minister or an officer authorized by him in this behalf.

iii) The permission to retain possession as contemplated by sub-section (2) shall rate no right or title in such land, and not withstanding anything contained in any enactment for the time being in force, the Revenue Minister, or an Officer authorized by him in this behalf, may fix any rent for the use and occupation of such land :

Provided that such rent shall in no case be less than the land revenue assessed at village rates plus cesses and other due that were paid by such ex-proprietor immediately before the date the right of ownership of such land was extinguished.

7. Description of Lands owned by a proprietor, - For purposes of sub-section (1) of section 4, the land owned by a proprietor shall include -

i) Lands of any class held or acquired in ownership by the proprietor;

ii) *Shamilat* lands held by the proprietor to the extent of his share, whether amalgamated with and entered in his ownership holding has a result of partition or entered in his name under an undivided *Shamilat* holding;

iii) Lands mortgaged with or without possession or leased out by the proprietor;

iv) Lands owned by the proprietor which have been transferred or let in farm under the provisions of the Jammu and Kashmir Land Revenue Act, 1996, for the recovery of an arrear of land revenue or of a sum recoverable as such an arrear which had accrued in respect of such lands; and

v) Lands, which after the date of the commencement of the Land Alienation (Temporary Power) Restriction Ordinance 2005, in the Kashmir Province and after the date of the commencement of the Jammu Province Land Alienation (Temporary Powers) Restriction Ordinance, 2006, in the Province of Jammu, have without any valid authority, been transferred by the proprietor by sale, gift bequest, [xxx] — family settlement or exchange other than an exchange made for the purpose of consolidation of holdings :

Provided that such exchanges as have been acted upon and are agreed to by the parties, shall, notwithstanding anything contained in the Ordinances aforementioned and in section 138 of the Transfer of Property Act, 1997, be deemed to be valid transfers :

Provided further that every transfer or partition made or declaration for title or possession granted by an order or decree

of any court after 1st *Baisakh,* 2005, shall be deemed to be void and shall not be given effect to, if for reasons to be recorded in writing, an Assistant Collector of the 1st Class, acting under the provisions of this Act, considers such transfer or partition or declaration not to have been made bonafide or to have been made with a view to defeat the provisions of this Act.

8. Disputes relating to the description or the area of the aggregate land – (1) if a proprietor or tiller were to dispute the correctness of the description or the area of any land referred to in section 7 held by him he may, within two months of the date of the commencement of this Act, prefer and application on a court fee stamp of Rs. 2/- to such officer as is appointed by the Revenue Minister in this behalf and file with it all the relevant record on which he relies in support of his calim.

   2) The officers so appointed shall, after such inquiry as he deems necessary, record his decision in the case.

9. Consequences of transfer – When land has been transferred under the provision of section 5, then, notwithstanding anything contained in any contract or in any law for the time being in force, and save as otherwise provide in this Act, the consequences as hereinafter set forth shall, from the beginning of the date of such transfer, ensure in such land, namely:

   a) All rights, title and interest of the proprietor in such land including trees, wells (other than private wells), tanks, ponds, water channels or *khuls* and pathways, except right in any water-mill or jandar, shall cease and be vested in the tiller free from all encumbrances;

   b) All arrear of revenue, cesses or other dues payable under any enactment or Government order or rule of the time being in force hand all outstanding Taccavi

loans in respect of any land so transferred and due for the proprietor for any period prior to the date of transfer shall be remitted;

c) Notwithstanding anything in any law or document all grants and confirmation of title or to land so transferred or of or to any right or privilege in respect of such land or its land revenue, shall terminate;

d) The interest of the proprietor in any land so transferred shall not be liable to attachment or sale in execution of any decree of other process of any court, civil or revenue, and any attachment existing at the date of transfer or any order for attachment passed before such date shall cease to be in force;

e) All suits and proceedings pending in any court at the date of transfer of land, and all proceedings upon any decree or order passed in any such suit or proceeding previous to the date of transfer shall, in respect of any interest in the land so transferred be stayed.

10. Lands mortgaged or lease out by the Proprietor. – Notwithstanding anything hereinafter contained when any land, of which the right of ownership is extinguished under the provisions of section 4, is found to have been mortgaged or leased by the proprietor, it shall, subject to the other provisions of this Act, be transferred to the tiller in the following manner, namely: -

a) in case such land as in the personal cultivation of the tiller who is also a mortgagee or a lessee, it shall vest in him in ownership right free from other encumbrances, if any, and the mortgage or lease, as the case may be, shall terminate; and

b) in case such land is not in the personal cultivation of the mortgage or the lessess it shall be transferred to

the tillers thereof in ownership right free from all encumbrances, and the encumbrances on such land shall be shifted to the estate of which the ownership right of the proprietor is left intact under sub-section (2) of section 4, as if the same land had been mortgaged or leased by the proprietor to the mortgagee or the lessee, as the case may be.

11. Lands transferred or let in farm in default of payment of land revenue. – (1) When any land of which the right of ownership is extinguished under the provisions of section 4 is found to have been transferred or let in farm under the provisions of the Jammu and Kashmir Land Revenue Act, 1996, for the recovery of an arrear of land revenue or of a sum recoverable as such an arrear which had accrued in respect of that land, it shall, if the transferee or the lessee be a tiller in actual cultivating possession of such land, be transferred to him in ownership right subject to the payment by such tiller of any arrears of land revenue or any dues or sums which he may be liable to pay in accordance with the conditions upon which the land was so transferred or let in farm to him.

2) If such transferee or lessee is not in actual cultivating possession of land it shall, subject to payment to him of such compensation as is determined by an officer specially authorized by the Revenue Minister in this behalf, be transferred in ownership right to the actual tillers thereof.

3) Compensation under sub-section (2) shall be payable by the tillers to whom land is transferred in ownership right in such manners as may be prescribed.

12. Authority to implement transfer. At any time after the commencement of this Act it shall be lawful for the Revenue Minister or any officer appointed by him in this behalf -

a) to take or cause to be taken such steps and use or cause to be used such force as may in the opinion of the Revenue Minister or the officer so appointed, be necessary to implement the transfer of land to tillers as provided in section 5 or the vesting in the State of the ownership of lands as provided in sub-section (1) of section 6;

b) to enter upon and search any land, building or other place forming part of any land transferred under the provisions of this act and make a survey or take measurement thereof or do any other act which he considers necessary for carrying out the purpose of this Act;

c) to require any person to produce to such authority as may be specified, any books, accounts or other documents relating to any land or part thereof land of furnish to such authority to such other information as may be specified or demanded; and

d) if the books, accounts and other documents are not produced as required, to enter upon any land, building or other place an seize and take possession of such books, accounts and other documents.

13. Private wells, water mills and other buildings to belong to the existing owner thereof - All private wells, water-mills, jandars and all buildings situated within the lands transferred under the provisions of section 5 or vested in the State under the provisions of section 6, belonging to or held by the proprietor whether residing in the village or not, shall continue to belong to or be held by such proprietor and he shall also be entitled to all easements with respect to enjoyment thereof.

14. Demarcation of land left with proprietors. – (1) An Assistant Collector of the 1st class or any other officer to

below the rank of a *Tehsildar* authorized by the Revenue Minister in this behalf shall, as soon as may be after this Act comes into force, serve a notice on the proprietor, and in the case of a proprietor who is an evacuee as defined in the Jammu and Kashmir State Evacuees' (Administration of Property) Act, (*Samvat*) 2006, on the Cutodian to select the land mentioned in clause (a) of sub-section (2) of section 4 and intimate to him the *Khasra* numbers and the area thereof within such period as may be specified and shall-

a) if such proprietor complies with the notice, direct that the lands so selected be immediately demarcate on spot; and

b) in case such proprietor fails to comply with the notice, himself reserve the land for such proprietor, and the land so reserved shall be deemed as if it had been selected by such proprietor himself.

(2) The order passed under sub-section (1) shall be communicated to such proprietor.

15. Procedure for making records. – The transfer of land under section 5 shall be recorded in the same manner in which the acquisition of any interest in land is recorded under Chapter IV of the Land Revenue Act, 1996.

16. Determination of disputes. – (1) If during the making, revision or preparation of any record or in the course of any inquiry under this Act a dispute arises as to any matter of which an entry is to be made in a record or in a register of mutations, a revenue officer not below the rank of an Assistant Collector of the 1st Class may, of is own motion, or of the application of any party interested, and after such inquiry as he thinks fit, determine the entry to be made as to that matter.

2) If in any such dispute the revenue officer is unable to satisfy himself as to which of the parties there to is in possession of any property to which the dispute relates, he shall ascertain by inquiry who is the person [who has remained in actual possession for a longer duration within the period between *Rabi,* 2005, and 1st Katik, 2007] and shall by order direct that person be put in possession thereof, and an entry in accordance with that order be made in the record or register.

17. Presumption regarding entries in the records-of-rights and annual records. – Subject to the provisions of sections 18 & 19, every entry in the record-of-rights or annual record prepared or revised under the provisions of the Land Revenue Act, 1996, shall, unless the contrary is proved, be deemed to describe correctly the right, title and interest of every proprietor in the land to which it relates:

Provided that any modification, alteration or correction made in the record-of-rights or annual record, whether before or after the date of the commencement of this Act under the provisions of the Land Revenue Act, 1996, or as a consequence of any decree or order of any court, shall be taken into account.

18. Correction of clerical error or arithmetical mistake in the records. – Notwithstanding, anything contained in the Land Revenue Act, 1996, or any other law for the time being in force, if a revenue officer not below the rank of an Assistant Collector of the 1st Class is satisfied that a clerical or arithmetical mistake or error apparent on the face of the record exists in the record of – rights or in annual record, he may, either on his own motion or on the application of any person interested, correct the same.

19. Application for correction of records, - (1) Notwithstanding anything contained in the Land Revenue Act, 1996, or any other law of the time being in force, any person who

claiming to be entitled, as proprietor, to any interest in any land, disputes any entry in the record-of-rights or in an annual record or class any omission there from, may, within three months from the date of commencement of this Act, apply in writing to a revenue officer not below the rank of an Assistant Collector of the 1st Class for the Modification, correction and alteration of the entries in the record-of-rights or in any annual record by entering his name therein or omitting the name of any person there from or otherwise.

2) The Revenue Officer before whom the application under sub-section (1) is presented shall, after notice to the persons whose names exist in the record-of-rights or in any annual record and to any other person to whom notice in his opinion should be given, hear or dispose of the application in the prescribed manner, determine the nature and extent of the interest of the application and modify, correct or alter the record-of-rights or the annual records accordingly.

20. Interest of a proprietor or tiller not transferable and relinquishment by a proprietor or tiller. [(1) Except as otherwise provided for in this Act, no tiller to whom land has been transferred under the provisions of section 5, and no proprietor, shall transfer land or any interest therein, without the previous permission of the Government, and an instrument purporting to transfer of land or any interest therein without such permission shall not be admitted to registration :

Provided that no permission shall be granted where the holding of a self-cultivating proprietor or tiller is more than two acres, but less than twelve acres.]

(2) a) A proprietor, or a tiller, to whom land has been transferred under the provisions of section 5, may at any time apply in writing to the Revenue

Minister for permission to relinquish all or any of the land held by him in ownership right in favour of the State.

b) The Revenue Minister may, after such enquiry as he may deem necessary, accept such application and not withstanding any law for the time being in force in this respect relinquishment of rights in such land and transfer thereof in favour of the State shall have effect from the beginning of the year next following.

21. Transfer is contravention of the Act. – Transfer of an holding or part thereof in contravention of the provisions of this shall be void.

22. Omitted vide Act XV of 2008.

23. Omitted vide Act XV of 2008.

24. Extinction of the interest of a proprietor or tiller. – If a proprietor, or a tiller, to whom land has been transferred under the provision of section 5 –

a) dies in the State leaving no heir entitled to inherit, or

b) transfers his land or part thereof, or any interest therein in contravention of the provisions of this Act, or

c) being a tiller sublets for two successive harvests the land so transferred to him, his right or ownership in the land held by him or part thereof shall be extinguished and such land or part thereof shall escheat to Government.

25. Limit of the Holding of a Proprietor – Save as otherwise provided for in this Act, no proprietor shall at any time hold more than 182 Kanals of land [excluding land mentioned in clauses (b) and (c) of sub-section (2) of

section 4] in ownership right and no tiller to whom land has been transferred under the provisions of section5, shall at any time hold more than 160 kanals of land in ownership right and any interest or rights in land developing upon such proprietor or tiller by custom or under any law for the time being in force shall, to the extent that it exceeds 182 kanals (excluding land mentioned in clauses (b) & (c) of sub-section (2) of section 4) or 160 kanals, as the case may be, extinguished and shall escheat to Government.

26. Payment to the Proprietors. – There shall, until the Constituent Assembly of the State settles the question of compensation with respect to the land from which expropriation has taken place under this Act, be paid by the Government to every proprietor who has been expropriated from any land under the provisions of this Act, an annuity in the following manner, namely :-

a) for the first year after expropriation an amount equal to 3/4th of the land revenue assessed on the land from which expropriation has taken place;

b) for the 2nd year 2/3rd of such land revenue; and

c) for the 3rd and subsequent year ½ of such land revenue :

Provided that the amount so payable shall not in any case exceed a sum of Rs 3,000 per annum :

Provided further that no such amount shall be payable in respect of any area held or appropriated by the proprietor from lands recorded a *Shamilat-Deh.*

27. Creation of Land Development Fund. – The Government shall create a Land Development Fund to which all income derived from the Land Development Cess, referred to in sub-section (2) of section 5, shall be credited, and which shall be utilized for rehabilitating the tillers and in making

improvements on lands transferred under the provisions of section 5 or such other lands as may be specified by the Government from time to time.

28. Powers of Revenue Officers. – Except where the class of the revenue officer by whom any function is to be discharged is specified in this Act, the Government may, by notification, determine the function to be discharged under this Act by any class of revenue officers.

29. Powers of the Government to grant annuity or land in ownership to tenure – holders. – The Government may apportion and allocate a portion of the annuity payable to the proprietor under section 26 to those tenure holders whose rights have been terminated under the provisions of section 9 and to whom no lands are transferred under section 5, in such manner has maybe prescribed:

Provided that the apportionment of annuity between the superior land-owners and inferior land – owners, or inferior land owners and occupancy tenants, or occupancy tenants of different grades, shall be made in proportion to the existing rents obtaining inter se:

Provided further that the Government may, notwithstanding anything contained in the Act or any other Act for the time being in force, transfer in ownership right a part of the land of which the right of ownership is extinguished under sub-section (21) of section 4 to occupancy tenants in such proportion as may be fixed.)

29. (A) Termination of the right of non-cultivating tenure-holders in lands left with the proprietors. – The Government may, in respect of the land of which the right of ownership is not extinguished under the provisions of this Act, terminate the right or interest of non-cultivating tenure-holders in such manner as may be prescribed.

29. (B) Revision of assessment on orchards and seed farm. Notwithstanding anything contained in this Act and in Chapter VI of the Land Revenue Act, 1996, the Government may revise the land revenue assessed on orchards and seed farms above 4 Kanals :

Provided that such revenue shall not exceed the highest assessment rates of available lands in the State.

30. Appeal and Revision. – (1) Save as otherwise provided by this Act, an appeal from an order or decision or a revenue officer shall lie to such officer or above the rank of a Collector as is appointed by the Government in this behalf and no further appeal shall lie.

(2) The Revenue Minister may –

a) Transfer any case or matter pending before any revenue officer for trial or disposal of any other officer having jurisdiction and being under his administrative control;

b) At any time call for the record of any case pending before, or dispose of by, any revenue officer subordinate to him and pass such order as he thinks fit.

(3) The period of limitation for an appeal under sub-section (1) shall run from the date of the order appealed against, and shall be 60 days;

Provided that in the districts of Ladakh, Gilgit, Rajouri, Poonch and Doda and the *Niabat* of Arnas in the Reasi Tehsil of the Udhampur district, twice the ordinary period of limitation for appeals under this section shall be allowed.

30. A. Persons by whom appearances may be made before and to revenue Officers. – In the matter of a appearance

before a revenue officer and applications to ad acts to be done before him, under this Act, the provisions of section 16 of the Land Revenue act, 1996 shall apply:

B. Provided that when an appellate or revisional authority is holding office in a province other than the one to which an appeal or revision pertains, such appeal or revision may be presented before a revenue officer for transmission of the case of the appellant or the applicant, as the case may be, to such appellate or revisional authority.

31. General application of Land Revenue Act. – Save as otherwise expressly provided in this Act, the provisions of the Land Revenue Act, 1996, shall, so for as may be, apply to all the proceedings taken under this Act.

32. Bar to jurisdiction of Civil or Revenue Courts – No suit or other proceedings shall lie in any civil or revenue court in respect of any order or concerning any matter which is subject of any proceedings taken under section 4, 5, 6, 8, 10, 11, 12, 14, 26, 27 and 29 of this Act.

33. Protection of action taken under this Act. – 1. No suit, prosecution or other proceeding shall lie without the previous sanction of the Government against any person for any act done or purporting to be done under the Act or any rule made there under.

2. No officer or servant of the Government shall be liable till respect of any such Act in any civil or criminal proceedings, if the Act was duties, or the discharge of functions, imposed by or under this Act.

3. No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions of this Act or by anything

in good faith done or intended to be done in pursuance of this Act or any rule made there under.

34. Power of the Revenue Minister in case any difficulty arises– If any difficulty arises as to the implementation of or in adjusting the right and liabilities of proprietors or tillers under any of the provisions of this Act, The Revenue Minister may, by order do or authorize doing of anything not inconsistent with this Act which appears to him to be necessary for the removal of any such difficulty.

35. Power of the Government to delegate authority. – The Government may, by notification in the Government Gazette, delegate any of its functions or powers under this Act to the Revenue Minister or any other officer of the Government specified in such notification.

36. Transfer of lands in the interest of development or otherwise–The government may authorize the Revenue Minister to permit transfer of land in areas which are being or are likely to be developed as health resorts or trade or commercial centers in accordance with rules that shall be made in this behalf.

37. Powers of Revenue Officer – A Revenue Officer under this Act, shall have the same powers as a civil court to enforce the attendance of witnesses, to call for documents, to take evidence on oath, to issue commission and to punish contempts.

38. Penalty – (1) If any person in any proceeding under this Act –

a) Intentionally makes any false statement during the course of such proceeding; [or]

b) Intentionally produces before any revenue officer any false document; or

c) Files a statement which is false or incorrect to his knowledge;

He shall be punished with imprisonment for a term, which may extend to two years or with fine, which may extend to Rs. 1,000 or with both.

(2) Notwithstanding anything contained in the Code of Criminal Pr0cedure, no court shall take cognisance of an offence under this section unless a complaint in this behalf is made by the officer before whom such proceedings were taking place.

39. Power to issue instructions. – The Revenue Minister may, for the guidance of the revenue officers, from time to time, issue executive instructions relating to all matters to which the provisions of this Act apply, provided that such instruction shall be consistent with the provisions of this Act and the rules made there under.

40. Power to make rules. – (1) The Government may make rules for carrying into effect the provisions of this Act.

2) Without prejudice to the generality of the foregoing powers such rules may provide for –

a) The establishment, constitution and the terms of reference of the Committee appointed under provision to sub-section (2) of section 4 and the manner in which the recommendation made by such committee may be implemented;

b) The adjustment of lands transferred to the tiller to the extents of 160 Kanals under sub-section (1) of section 5.

c) The rate and the manner of the levy of the "Land Development Cess" under sub-section (2) of section 5;

d) The revision of quantum of land transferred to tillers under sub-section (5) of section 5;

e) The manner in which lands vested in the state may be utilized and the terms and conditions on which lands may be occupied by the ex-proprietors under sub-section (2) of section 6;

f) The manner in which applications under section 8 may be made and disposed of;

g) The adjustment of remission of land revenue and *Taccavi* arrears and the disposal of suits and proceedings stayed under section 9;

h) The determination and the method of payment of compensation under sub-section (3) of section 11;

i) The manner in which the provisions of section 12 may be carried into effect;

j) The manner in which notice may be issued and other proceedings taken [under section 14];

k) The procedure for and the manner in which permission may be granted to a proprietor or a tiller to transfer or relinquish land under section 20;

l) The manner of determining and the method of payment of annuity to proprietor under section 26;

m) The determination of the clash of land which may be improved by the [Land Development Fund] under section 07 and the manner in which the Land Development Fund may be constituted, operated upon and utilized;

n) The manner in which the interest of tenure-holders maybe adjusted under section 29;

o) The matters which are to be and may be prescribed; and

p) The matters required generally for carrying out the purpose of this act.

3) All rules made under this Act shall be published in the Government Gazette, and shall unless some alter date is appointed, come into force on the date of such publication.

41. Repeal. – The Land Alienation (Temporary Powers) Restriction Ordinance, 2005 and the Jammu Province Land Alienation (Temporary Powers) Restriction Ordinance, 2006, shall be repealed.

42. Legislation of orders passed previous to the Act. – Any Act done or order passed by the Government or by a Revenue Officer on or after 13th July, 1950, which is not contrary to the provisions of this Act, shall be deemed to have been passed under this act.

12th October,1950
(Sd/-) KARAN SINGH YUVRAJ
Published for general information
(Sd/-) R. L. NAGPAL
Secretary to Prime Minister

APPENDIX - Y

INFANT MARRIAGE PREVENTION REGULATION, 1985 (1928 A.D)

Notification, dated Srinagar, the 5th Har 1985/18th, June 1928 sanctioned by His Highness the Maharaja Bahadur under endorsement No : 2265, dated the 22nd May 1928 and No. 304, dated 14th June 1928 from the Secretary to the Cabinet. No. 2-L/85. The following Regulation has been sanctioned by His Highness the Maharaja Bahadur and is hereby promulgated for general information:-

Regulation No. 1 of 1985

A Regulation to prevent infant marriage in the dominions of His Highness the Maharaja Bahadur of Jammu and Kashmir.

(i) *Preamble* :- Whereas it is expedient to prevent infant marriage in the Dominions of His Highness the Maharaja Bahadur of Jammu and Kashmir; His Highness is pleased to enact as follows:-

1. *Short title* : This regulation may be called "The infant marriage prevention Regulation, 1985."

2. *Extent of Commencement* :- It shall extend to the whole of the State of Jammu and Kashmir and shall be brought into force from first Bahadon, 1985.

3. *Exemptions* :- His Highness may, by notification in the Jammu and Kashmir Government Gazette, exempt any community or class of persons or any class of marriage from all or any of the provisions of this Regulation.

III) *Definitions* :- For the purpose of the Regulation

1. "Infant Girl" means a girl who had not completed fourteen years of age.

2. "Infant Boy" means a boy who had not completed eighteen years of age, &

3. "Infant Marriage" means the marriage of an infant girl or of an infant boy or between an infant girl and an infant boy.

III) Punishment for marrying an infant girl :- Any man who having completed eighteen years of age marries an infant girl shall be punished with simple imprisonment for a term which may·extend to one year or with fine which may extend to one thousand rupees or with both.

IV) Punishment for causing infant marriages :- Any person who cause the marriage of an infant girl or of an infant boy, or who knowingly aids and abets within the meaning of the Ranbir Dand Bidhi such a marriage shall be punished with simple imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Exception : - The bride and the bride-groom are not liable to punishment under this section.

V) Any man who having completed fifty years of age marries an infant girl shall be punished with imprisonment of either description for a term which may extend to four years or with fine which may extend to two thousand rupees, or with both.

VI) Any person who causes the marriage of an infant girl with a man who has completed fifty years of age or who knowingly aids and abets within the meaning of the Ranbir Dand Bidhi such a marriage, shall be punished with imprisonment of either description for a term which may extend to four years or with both.

Exception :- The bride is not liable to punishment under this section.

VII) *Invalidity of marriages*: - No marriage which takes place in contravention of any provision of this Regulation and for which penality is provided in the Regulation shall be valid and legal for the purpose of conferring any right of succession or inheritance on the issue of such marriage.

VIII) Court competent to try offence under the Regulation : No courts inferior to that of a Magistrate of the first class shall try any offence punishable under this Regulation.

Sd/-

Nazir Ahmed

Home Minister (Legislative Branch),

Jammu and Kashmir Government

APPENDIX - Z

OFFICE OF THE JUDICIAL MINISTER

Regulation No. XI of 1991 (Sambat),
Dated Srinagar, the 1991
1934 A.D.

Whereas it is necessary to provide more efficaciously for the suppression of brothels and of traffic in women, it is hereby enacted as follows :-

1. *Short title* :- This Regulation shall be known as "The Suppression of Immoral Traffic Regulation 1991."

2. *Commencement and extent* :- It shall extend immediately to all municipalities and town areas within the Jammu and Kashmir State and the Government of His Highness the Maharaja Bahadur may by a Notification in the Jammu and Kashmir Gazette extend its operation to any other area within the State.

3. *Repeals* :- Section 94 of the Jammu and Kashmir State Municipal Regulation Samvat 1970 is hereby repealed and in Section 93 of the same Regulation the words "(a) the keeping of a brothel" and "(b)" shall be deleted from sub-section (A).

4. *Definitions* :- In this Regulation unless there is anything repugnant in the subject or context –

   (a) *"Prostitution"* – means promiscuous sexual intercourse for hire, whether in money or kind.

   (b) *"Brothel"* means any place kept by any person and allowed to be used for prostitution :

Provided that this section shall not apply where one woman takes men to her own room for immoral purposes.

   (c) *"Girl"* means a female below the age of 18 years.

5. Punishment for keeping a brothel or allowing any place to be used as a brothel :-

(1) Any person who :-

(a) Keeps or manages or acts or assists in the management of a brothel; or

(b) *Being the owner tenant, lessee, occupier or person incharge of any place, knowingly permits such place or any part thereof to be used as a brothel*;

Shall be punished with rigorous imprisonment for a term which may extent to two year or with fine which may extent to one thousand rupees or both

(2) Any person who, having been convicted of an offence punishable under sub-section (1) is convicted of a subsequent offence punishable under the said sub-section, shall be punished with rigorous imprisonment for a term which may extend to 5 years, or with fine or with both, and may in addition be required by the Court convicting him to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Court may direct.

(3) In a prosecution under this section, if it is found that any place or part thereof has been used as brothel, it shall be presumed, until the contrary is proved, that the persons specified in clause (b) of sub-section (1) knew that the place or part thereof was being used as a brothel.

(4) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any place in respect of which the lessee, tenant or occupier thereof has been convicted under clause (b) of sub-section (1) shall be entitled forthwith to determine such lease, tenancy or occupation.

(5) The court convicting any tenant, lessee or occupier of an offence punishable under section 5 in respect of any premises shall give notice in writing of such conviction to the landlord or lessor of such premises and if the landlord or lessor after service of the notice does not exercise his rights under sub section (4) and subsequently during the subsistence of the lease or contract an offence under section 5 is again committed in respect of the premises, the landlord or lessor shall be deemed to have reasonable steps to prevent the recurrence of the offence.

(6) Punishment for living on the immoral earnings of another person: -

(1) Any person over the age of eighteen years excepting servants in the employment of a professional prostitute who knowingly lives, wholly or in part, on the earnings of the prostitution of another person, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both, and if a male person, shall also be liable to whipping.

(2) Where a person is proved to be living with, or to be habitually in the company of a prostitute, or to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution he shall be presumed, until the contrary is proved, to be living on the earnings of her prostitution.

(7) Punishment for procuration –

(1) Any person who procures or attempts to procure any woman or girl with or without her consent

for the purpose of prostitution, or who induces a woman or girl to go from any place with the intent that she may, for the purpose of prostitution become the inmate of or frequent a brothel, shall be punished if the person induced is a woman with rigorous imprisonment for a term which may extend to 5 years or with fine which may extend to Rs 1,000/- rupees or with both, and if the person induced is a girl with rigorous imprisonment for a term which may extend to 10 years or fine which may extend to 1,000/- rupees or both; and if the accused is a male person he shall also be liable to whipping.

(2) An offence under this section may be tried in any place to which the woman or girl is brought or caused to be brought, or in which an attempt to bring her is made, or in any place from which she is brought or caused to be brought or from which an attempt to bring her is made.

(8) Punishment for importing a woman or girl for prostitution :-

(1) Any person who brings or attempts to bring or causes to be brought into any place in which the Regulation is in force any woman or girl with a view to her earning hire or bring brought up to earn hire as a prostitute, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both, and, if a male person, shall also be liable to whipping.

(2) An offence under this section may be tried in any place to which the woman or girl is brought or caused to be brought or in which an attempt to bring her is made or in any place from which

she is brought or caused to be brought or from which an attempt to bring her is made.

(9) *Punishment for annoyance :-* Whoever, in any street or public place, solicits any person to his annoyance or obstruction or by any indecent action shall be punished with rigorous imprisonment for a term which may extend to two months, or with fine which may extend to two hundred rupees, or with both.

(10) *Punishment for detention in brothel or with intent:-*

(1) Any person who detains any woman or girl against her will :-

(a) In a brothel; or

(b) In any place with intent that she may have sexual intercourse with any man other than her lawful husband, shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both, and, if a male person, shall also be liable to whipping.

(2) A person shall be presumed to detain a woman or girl who is in a brothel or in any place for the purpose referred to in clause (b) or sub-section (1) is such person, with intent to compel or induce her to remain there :-

(a) Withholds from her any jewellery, clothing or other property belonging to her; or

(b) Threatens her with legal proceedings if she takes away with her any jewellery, clothing, other personal property or money alleged to have been lent or supplied to or to have been pledged by such woman or girl, by or to the person by whom she has been detained.

(3) No civil suit shall lie, and no proceedings whether civil or criminal shall be taken against any such woman or girl or against any person on her behalf, by or on behalf of the person by whom she has been detained for the recovery or any jewellery clothing or other property alleged to have been lent or supplied to or for such woman or girl, or to have been pledged by or for her, or for the recovery of any money alleged to be payable by or on behalf of such woman or girl.

(11) Punishment for causing, encouraging or abetting the seduction or prostitution of a girl :- If any person having the custody charge or care of any girl under the age of eighteen years causes or encourages or abets the seduction or prostitution of that girl, he shall be punished with rigorous imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees, or with both, and, if a male person, shall also be liable to whipping.

(12) Power to order discontinuance of place used as brothel etc :-

(1) The District Magistrate or a Magistrate of the first class specially empowered in this behalf, may on his own motion or on the complaint of a Municipal or town area committee, through its authorized representative, or of three or more inhabitants of the locality that any place is being used :-

(a) as a brothel ; or

(b) as a common place of assignation ;

He may cause a notice to be served on the owner, lessor, Manager lessee, tenant, or occupier of the place or all of them, to appear before him either in person or by agent, on a date to be fixed in such notice, and to show cause why an order should not be made for the discontinuance of such use of such place.

(2) If, on the date fixed or on any subsequent date to which the hearing may be adjourned, the District Magistrate or a Magistrate of the first class specially empowered in this behalf satisfied, after making such enquiry as he thinks fit, that the place is used as described in sub-section (1), he may direct, by order in writing to be served on such owner, lesser, manager, lessee, tenant or occupier, that the use as so described of such place be discontinued from the date not less than fifteen days from the date of the said order and be not thereafter resumed.

(3) No place concerning which an order has been made under sub-section (2) shall again be used in the manner described in sub-section (1) and the District Magistrate or a Magistrate of the first class specially empowered in this behalf, if he be satisfied that such place is again used in such manner, may, by order in writing to be served on the owner, lessor, manager, lessee, tenant or occupier of such place, direct them that the use as so described of such place be discontinued within a period of seven days and be not•thereafter resumed.

(4) For the purpose of this section the decision of the District Magistrate or a Magistrate of the first class specially empowered in this behalf that a place is used in the manner or for the purpose described in clause (a) o. (b) of sub-section (1) shall empowered to the right of an appeal to the High Court be final.

(5) Whoever, after an order has been made under sub-section (2) or (3) in respect of any place, uses or allows to be used such place in a manner which contravenes such order after the period stated therein shall be punished with fine which may extend to fifty rupees for every day after the expiration of the said period during which the breach continues and shall,

on a second conviction for the same offence, be punished with rigorous imprisonment for a term which may extend to six months, in addition to or in lieu of any fine imposed.

(6) For the purpose of an enquiry under this section the District Magistrate or a Magistrate of the first Class specially empowered in this behalf may depute any police officer not below the rank of an Inspector to make a local investigation and may take into consideration his report therein.

(7) The District Magistrate and the Magistrate of the first class specially empowered in this behalf shall maintain a register in which shall be entered a description of all places in respect of which an order has been made under this section. Such register shall be open to inspection by the public on payment of the prescribed fee.

(8) Not withstanding anything contained in any other law for the time being in force, the owner or lesser or any place in respect of which an order has been made on the lessee, tenant or occupier thereof directing the discontinuance of the use thereof as a brothel or as a common place of assignation, shall be entitled forthwith to determine such lease, tenancy or occupation.

No proceedings shall be taken under this section in respect of a place which is the subject of any proceedings under section 5.

(13) Power to arrest without warrant - any gazetted police officer on complaint and any police officer specially authorized in writing in this behalf by the Superintendent of police may arrest without a warrant any person committing in his view any offence punishable under section 6,7,8,9, or 10, if the name and address of such person be unknown to such police officer and cannot be

ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

(14) Power to enter without warrant and removal of minor girls. : The Superintendent of Police or any gazetted police officer specially authorized in writing in this behalf by the Superintendent of Police, may enter any place if he has reason to believe :-

(a) That an offence punishable under section 5 has been or is being committed in respect of the place; or

(b) That a woman or girl in respect of whom an offence punishable under section 6,7,8,or 10 has been committed, is to be found therein.

and may remove any girl who appears to him to be under the age of eighteen years, if he is satisfied :-

(a) That an offence punishable under section 5 has been, or is being committed in respect of the place; or

(b) That an offence punishable under section 6,7,8, or 10 has been committed in respect of the girl.

(15) Trial of offence :- No court inferior to that of a Magistrate of the first class shall try offences under this regulation.

(16) Power of Government to make rules – The Government of His Highness the Maharaja Bahadur may make rules of generally for the causing out of the purpose of this regulation for the intermediate custody (other than a police station or jail) and for the subsequent care and treatment of girls under eighteen years in respect of whom an offence punishable under section 6,7,8, or 10 has been committed, or who have been removed from a brothel under section 14. The expenses of the intermediate custody and subsequent care and treatment of girls rescued shall be borne by the Local Bodies.

High Highness' Government, Jammu and Kashmir Home Secretariat

(Legislative Department)

Notification dated Srinagar the 25th Mar. 1986 the 8th July 1929.

No. 2/L-86. The following regulation has been sanctioned by His Highness the Maharaja Bahadur (vide endorsement No. 2058/C dated 4th July 1929 from the Minister-in-waiting) and is hereby promitedgated for information.

The Juvenile smoking Regulation, 1986
Regulation No. II or 1986.

A regulation to provide for the prevention of smoking juveniles.

Preamable: Whereas it is expedient to provide for the prevention of smoking by youthful persons in the Jammu and Kashmir State. His Highness the Maharaja Bahadur, is pleased to enact as follows:

1. (i) This regulation may be called "The Juvenile smoking Regulation 1986"
   (ii) It shall extend to the whole of the Jammu and Kashmir State.
   (iii) It shall come into force on and from the first day of Katik 1986,
1. In this regulations unless there is something repugnant into subject or context :–
   Definitions : "Tobacco" shall means tobacco cut or uncut and includes any preparation or mixture of tobacco with other substances for the purpose of smoking or chewing or taking in as snuff. "Public Place" means any place to which the public for the time being has access whether on payment or otherwise and includes any conveyance plying for hire.

2. **Penalty on selling tobacco to youthful persons:** Whoever sells or gives or attempts to sell or give to a person actually and by appearance under the age of 16 years, except on the written order of the parent, guardian or employer of such person any tobacco, shall be liable, on conviction before a Magistrate in the case of first conviction, to a fine not exceeding twenty rupees, and in the case of second conviction to a fine not exceeding fifty rupees, and in the case of third and every subsequent conviction to a fine not exceeding one hundred rupees.
3. **Seizure of tobacco being consumed by Juvenile in a public place:** If any boy actually and by appearance under the age of 16 years be found smoking or chewing tobacco or taking it in. as snuff, in any public place, it shall be lawful for any Lambardar, Zaildar, teacher of a recognized school or affiliated college, Member of a Municipal Committee, Member of a Notified Area Committee, Legal Practitioner, medial practitioner or Magistrate to seize such tobacco and destroy it.
4. **Summary Jurisdiction:** The High Court of Judicature Jammu and Kashmir State may confer on any Magistrate power to try summerly and offence under this Regulation.

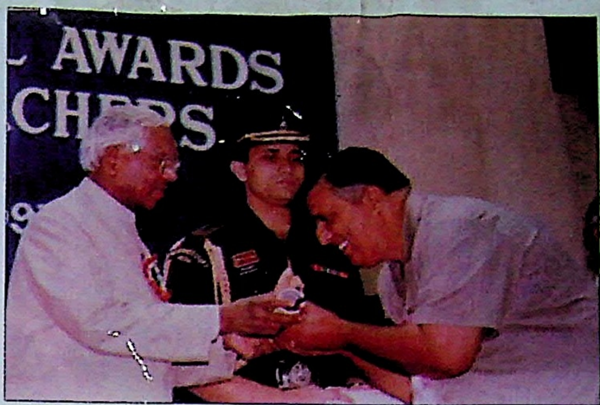
Sd/ Nazir Ahmed
Home Minister
(Legislative Branch)

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2. Penalty for selling tobacco to juveniles [illegible]
[illegible]
[illegible]
[illegible] years, [illegible]
[illegible]
shall be [illegible]
the case of [illegible]
[illegible]
a [illegible]
[illegible]
exceeding one hundred [illegible]
3. Search of tobacco being [illegible]
a public place: If any [illegible]
under the age of 16 years [illegible]
tobacco or taking it [illegible]
it shall be lawful for any [illegible]
of a recognised school [illegible]
or a Municipal Councillor, Member [illegible]
Chowkidar, Legal Practitioner [illegible]
Magistrate to seize such tobacco and [illegible]
4. Summary Jurisdiction: The High [illegible]
Jammu and Kashmir State [illegible]
Magistrate power to try summarily [illegible]
this Act [illegible]



The author receiving National Award for Teachers from His Excellency, the President of India on 5th Sept., 1997.



The author receiving Rashtriya Gaurav Award from Dr. Bhisma Narain Singh Former Governor of Tamil Nadu and Assam at Chandigarh (Pb.) on 22nd April, 2004.



His Excellency the Governor of J&K State releasing the book of Dr. S.P. Vaid titled-"How Partition Rocked J&K " at Raj Bhawan on 28th Feb., 2002

About the Book

The book is another addition to the fast-growing literature on J&K State, which is the most sensitive part of India. It has grown out of Senior-Fellowship project, allotted to the author, by ICSSR, affiliated to the Ministry of Human Development Resources, Govt. of India. The book deals with subjects like Socio-Economic problems and demands leading to Unrest in Jammu and Kashmir State between 1931 and 1947. The book contains the responses of major communities to the Maharaja's rule besides unrest in Kashmir and Jammu Divisions during the period under study.

Apart from the preface, introduction, abbreviations, future dimensions, conclusions, bibliography and appendix, the book consists of seven chapters which describe the detail the Socio-Economic condition of the charming Kashmir Valley and the Western part of Jammu region on the eve of the tribal raids in 1947. It also gives an account of the defence operations against the raiders and the problems of rehabilitation of the refugees, impact of the partition on the political attitudes and life style of the people.

The author has tried his best, to make the book informative and relevant, after verifying virtually all sources available on this side of the border, in the form of official records, reports, memories interaction with old-times and the newspapers. The book provides a food for thoughts to both research scholars of History and a common reader, it is a live commentary on the Socio-Economic roots of Unrest in the State during 1931-47. The book has both depth and analysis and one may go through it both for pleasure and profit.

